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HIGHLAND PAPERS

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# HIGHLAND PAPERS

## VOLUME I

Edited by  
J. R. N. MACPHAIL, K.C.



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## PREFACE

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Revised  
At his early death in 1836 Mr. Donald Gregory, whose *History of the Western Highlands and Isles of Scotland* still remains the standard work on the subject, left behind him a considerable body of MSS. These contain the results of his researches in the public records and in various private charter chests to which he had access, and also include transcripts of various family histories which had been placed at his disposal. Although utilised for his history, these materials are in themselves of great interest and value.

After Mr. Gregory's death these MS. Collections were acquired by the Society of Antiquaries, by whose kindness they have been made available for the purpose of printing such portions as might seem desirable. The present volume is largely drawn from these Collections, though it also contains documents derived from other sources. Its purpose is the modest one of making available to the Society, and through it to all interested in Highland History, some of the original material and recorded tradition on which knowledge of that history must be largely based; but a certain limited amount of annotation and comment has been found necessary.

It is hoped that further Highland Papers may be issued later.

At various places throughout the volume the Editor has sought to recognise the kind help which he has received in its preparation. But he desires here to

acknowledge also the general assistance which he has received from Mr. Hamay and Mr. Yule of the Historical Department in the Register House, and from Dr. Maitland Thomson.

To the Society of Antiquaries and the Faculty of Advocates the thanks of the Society are due for the courtesy which has made possible the publication of this volume, and to Mr. Mill for the skill and care which he has bestowed on a somewhat troublesome index.



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# HISTORY OF THE MACDONALDS

## INTRODUCTORY NOTE

THE following History of the Macdonalds—of which both the beginning and the end are obviously wanting—is attributed to Hugh Macdonald, a Skye seannachie, and is said to have been written in the reign of Charles II. That it was certainly written after 1628 is apparent from the reference on p. 31 to Patrick, Earl of Tullibardine, whose patent is dated 30th January 1628. As the period which it covers extends roughly from 1100 to 1500, it has not the authority of a contemporary record, and in many places it is inaccurate in detail. But it is of great value as embodying and preserving the traditional beliefs current some three hundred years ago among the Skye Macdonalds with regard to the history of their race. Partly printed for the Iona Club it is generally recognised as an authority, and is used as such by Mr. Gregory himself, and by subsequent writers. From such things as his reference to Camden (p. 8), and his incisive criticism of George Buchanan (p. 10), it is also plain that the author's knowledge of Scots history was not confined to Hebridean legends. Occasional notes have been added for such purposes as fixing dates, or correcting serious errors, but otherwise the seannachie is allowed to tell his own story.

Out of the material available it is impossible to construct a satisfactory pedigree of the descendants of Somerled. But in the belief that a diagrammatic representation of the descent and connection of the more important families will make the history easier to follow, it has

been thought well to prefix the genealogy contained in *Scotland under her Early Kings* (vol. ii. Appendix A.) Even if in some details this should appear open to criticism, any statement by Mr. Robertson may, in the absence of contrary evidence, be deemed worthy of at least provisional acceptance.

A few explanatory and illustrative documents, which seem of interest, follow the history.





## HISTORY OF THE MACDONALDS

SOMMERLED, the son of Gilbert,<sup>1</sup> began to muse on the low condition and misfortune to which he and his father were reduced, and kept at first very retired. In the meantime, Allin MacVich Allin, coming with some forces to the land of Morverin for pillage and her ships, intending to retire forthwith to Lochaber, from whence he came. From this Allan descended the family of Lochiel. Sommerled thought now it was high time to make himself known for the defence of his country, if he could, or at least see the same, having no company for the time. There was a young sprout out of a tree near the cave which grew in his age of infancy. He plucked it up by the root, and putting it on his shoulder, came near the people of Morverin, desired them to be of good courage and do as he did, and so by his persuasion, all of them having pulled a branch, and putting the same on their shoulder, went on encouraging each other.

Godfrey Du had possession of the Isles of the north side of Ardnamurchan from the King of Denmark. Olay compelled the inhabitants of some of these Isles to infest Morverin by landing some forces there. The principal surnames in the country were MacInnes's and MacGilvrays, who are the same as the MacInnes's. They being in sight of the enemy could act nothing without one to command them. At length they agreed to make the first person that should appear to them their general. Who came in the meantime but Sommerled, with his bow, quiver, and sword? Upon his appearance they raised a great shout of laughter. Sommerled enquiring the reason, they answered they were rejoiced at his appearance. They told

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<sup>1</sup> Somerled, the son of Gillebride, the son of Gilledomnan, must have been born about 1100. He was killed in 1164. For a fuller account of his origin see the 'Book of Clanranald,' printed in *Reliquiæ Celticæ*, vol. ii., at pp. 153-155.

him that they had agreed to make the first that would appear their general. Sommerlid said he would undertake to head them, or serve as a man otherwise. But if they pitched upon him as their commander, they should swear to be obedient to his commands; so, without any delay, they gave him an oath of obedience. There was a great hill betwixt them and the enemy, and Sommerled ordered his men to put off their coats, and put their shirts and full armour above their coats. So, making them go three times in a disguised manner about the hill, that they might seem more in number than they really were, at last he ordered them to engage the Danes, saying that some of them were on shore and the rest in their ships; that those on shore would fight but faintly so near their ships. Withal he exhorted his soldiers to be of good courage, and to do as they would see him do, so they led on the charge. The first whom Summerlid slew he ript up and took out his heart, desiring the rest to do the same, because that the Danes were no Christians. So the Danes were put to the flight; many of them were lost in the sea endeavouring to gain their ships; the lands of Mull and Morverin being freed at that time from their yoke and slavery. After this defeat given to the Danes, Sommerlid thought to recover Argyle from those who, contrary to right, had possessed it, being wrung out of the hands of his father unjustly by MacBeath, Donald Bain, and the Danes.

It is strange that some of our writers should, through malice or want of information, make him ignobly born, and yet call him Thane of Argyle, which title was not given him by the then present king, but they understood he had it by right from his predecessors. Some of the Argathelians made resistance, but were defeated. Macphadin, by joining with Sommerled, was reconciled to him. In a short time he mastered Lorn, Argyle, Kintyre, and Knapdale; most of the inhabitants, knowing these lands were his by right, as formerly belonging to and possessed by his predecessors. After this, Olay, surnamed the *Red*, King of Man, Isla, Mull, and Isles southward of the point of Ardnamurchan, came with his fleet to Loch Stornua in

order to subdue all the Isles south and north, pretending his right from the King of Denmark, to whom the ancient Danes north of Ardnamurchan refused allegiance ; and, as Olay encamped at Loch Stornua, Sommerled came to the other side of the loch, and cried out, if Olay was there, and how he fared ? Olay replied, that he was well. Then said Sommerled, I come from Sommerled, Thane of Argyle, who promises to assist you conditionally in your expedition, provided you bestow your daughter<sup>1</sup> on him. Olay answered, that he would not give him his daughter, and that he knew that he himself was the man ; but that he and his men should follow him in his expedition. So Sommerled resolved to follow Olay. There was at that time a foster brother of Olay's, one Maurice MacNeill, in Olay's company, who was a near friend of Sommerled ; and when Sommerled brought his two galleys near the place where Olay's ship lay, this Maurice aforesaid came where he was, and said that he would find means by which he might come to get Olay's daughter. So, in the night time, he bored Olay's ship under water with many holes, and made a pin for each hole, overlaying them with tallow and butter. When they were up in the morning and set to sea, after passing the point of Ardnamurchan, Olay's ship sprung a leak, casting the tallow and butter out of the holes by the ship tossing on the waves, and beginning to sink, Olay and his men cried for help to Sommerled. Maurice replied, that Sommerled would not save him unless he bestowed his daughter upon him. At last, Olay being in danger of his life, confirmed by an oath that he would give his daughter to Sommerled, who received him immediately into his galley. Maurice went into Olay's galley, and fixed the pins in the holes, which he had formerly prepared for them, and by these means they landed in safety. From that time the posterity of Maurice are called Mac-Intyres (or wright's sons) to this day. On this expedition Olay and Sommerled killed MacLier, who possessed Strath within the Isle Sky. They killed Godfrey Du, or the Black,

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<sup>1</sup> According to Torfeus her name was Raguhildis.

by putting out his eyes, which was done by the hermit MacPoke, because Godfrey Du had killed his father formerly. Olay, surnamed the Red, killed MacNicoll in North Uist likewise. Now Sommerled marrying Olay's daughter, and becoming great after Olay's death, which death, with the relation and circumstances thereof, if you be curious to know, you may get a long account of it in Camden. Now, Sommerled being envied by the rest of the nobility of Scotland for his fortune and valour, King Malcolm being young, thought by all means his kingdom would suffer by the faction, ambition, and envy of his leading men, if Sommerled's increasing power would not be crushed. Therefore, they convened and sent an army to Argyle under the command of Gilchrist, Thane of Angus, who, harassing and ravaging the country wherever he came, desired Sommerled to give up his right of Argyle or abandon the Isles. But Sommerled, making all the speed he could in raising his vassals and followers, went after them; and, joining battle, they fought fiercely on both sides with great slaughter, till night parted them. Two thousand on Sommerled's side, and seven thousand on Gilchrist's side, were slain in the field. Being wearied, they parted and marched off at the dawn of day, turning their backs to one another.<sup>1</sup> After this, when the king came to manhood, the nobles were still in his ears, desiring him to suppress the pride of Sommerled, hoping, if he should be crushed, they should or might get his estate to be divided among themselves, and at least get him expelled the country. Sommerled being informed hereof, resolved to lose all, or possess all, he had in the Highlands; therefore, gathering together all his forces from the Isles and Continent, and shipping them for Clyde, he landed in Greenock. The king came with his army to Glasgow in order to give battle to Sommerled, who marched up the south side of the Clyde, leaving his galleys at Greenock. The king's party quartered at Renfrew. Those about him

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<sup>1</sup> This must have been followed by a treaty, for, as Gregory points out, a charter is dated 'in natali domini proximo post concordiam regis et Sumerledi.'—*History of the Western Highlands*, p. 15.



thought proper to send a message to Sommerled, the contents of which were, that the king would not molest Sommerled for the Isles, which were properly his wife's right; but, as for the lands of Argyle and Kintyre, he would have them restored to himself. Sommerled replied, that he had as good a right to the lands upon the continent as he had to the Isles; yet these lands were unjustly possessed by the King MacBeath and Donald Bain, and that he thought that it did not become his majesty to hinder him from the recovery of his own rights, of which his predecessors were deprived by MacBeath, out of revenge for standing in opposition to him after the murder of king Duncan. As to the Isles, he had an undoubted right to them, his predecessors being possessed of them by the good will and consent of Eugenius the First, for obligations conferred upon him: That, when his forefathers were dispossessed of them by the invasion of the Danes, they had no assistance to defend or recover them from the Scottish king, and that he had his right of them from the Danes; but, however, he would be assisting to the king in any other affairs, and would prove as loyal as any of his nearest friends, but, as long as he breathed, he would not condescend to resign any of his rights which he possessed to any; that he was resolved to lose all or keep all, and that he thought himself as worthy of his own as any about the king's court. The messenger returned with this answer to the king, whose party was not altogether bent upon joining battle with Sommerled, neither did the king look much after his ruin, but, as the most of kings are commonly led by their councillors, the king himself being young, they contrived Sommerled's death in another manner. There was a nephew of Sommerled's, Maurice MacNeill, his sister's son, who was bribed to destroy him. Sommerled lay encamped at the confluence of the river Pasley into Clyde. His nephew taking a little boat, went over the river, and having got private audience of him, being suspected by none, stabbed him, and made his escape.

The rest of Sommerled's men hearing the death and tragedy of their leader and master, betook themselves to

their galleys. The king coming to view the corpse, one of his followers, with his foot, did hit it. Maurice being present, said, that though he had done the first thing most villanously and against his conscience, that he was unworthy and base so to do ; and withal drew his long scian, stabbed him, and escaped by swimming over to the other side of the river, receiving his remission from the king thereafter, with the lands which were formerly promised him. The king sent a boat with the corpse of Sommerled to Ieollumkill at his own charges. This is the report of twenty writers in Ieollumkill, before Hector Boetius and Buchanan were born. These partial pickers of Scotch chronology and history never spoke a favourable word of the Highlanders, much less of the Islanders and Macdonalds, whose great power and fortune the rest of the nobility envied, because they judged best to comply with the humour of those who ruled the helm of the state, and men who knew nothing of their own descent, and careless to know that of others. Buchanan, indeed, was a learned acute man, and very well read in foreign history, and the best of the Scotch writers, discoursed of their origin, exactly so, that if he was as learned in the first history as he was in other histories, he would do it better, and exceed all our historians. When the Earl of Murray was Regent, he had an aim to be Archbishop of St. Andrews, and so wrote anything to please the Regent's humour and the reformers of the time. When Morton was Regent, he did not conform himself to him as he did formerly to Murray. When he was frustrated by Morton in his expectations, in revenge, he became afterwards instrumental in contriving his death and ruin, as of late some papers written by the then Captain of the Edinburgh Castle show the antipathy he had against him. He was still in hopes to be advanced to some great station when the king should come to his majesty,<sup>1</sup> but being likewise disappointed of that, in revenge, he wrote his book, *De Jure Regni apud Scotos*.<sup>2</sup> He never spoke anything

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<sup>1</sup> *Quære* majority?

<sup>2</sup> A good illustration of Buchanan's 'frigid and calculated' mendacity is given by Mr. Moir Bryce in *The Scottish Grey Friars*, i. pp. 121 *et seq.*

good of the king or of his mother, the queen, or of the Highlanders, much less of the Islanders. He knew very well that his last writings would not relish with Highlanders, calling them all *Fures et Latrones* when he treats of them, when it is well known that he himself was a Highlander. Boetius did not write the sixth part of the actions done by the Scots since the beginning of king Fergus' reign, yet he relates that such and such kings went to suppress rebellion here and there, but makes no mention of the causes and pretences for these rebellions. He relates often that the king went to pacify rebellions in the Islands, whereas, it is well known that the Islanders are as loyal and less injurious to their neighbours than any people in Scotland.

Boetius knew very well, and so did Buchanan, that Sommerled was Thane of Argyle, which was one of the highest titles in those times, being equal to a prince, and yet they tell us he was ignobly born, and of obscure parents, at the same time, that they knew full well that he was not created Thane by that king, but pursued for his rights, for there were eight or nine of Sommerled's predecessors who were Thaness of Argyle; so that the falsity of these writers may be easily discovered. This may be easily proven by several passages out of their own writings and their histories. Sommerled was a well tempered man, in body shapely, of a fair piercing eye, of middle stature, and quick discernment. He had Dugall, a natural son, of whom are descended the Macdugalls of Lorn.<sup>1</sup> He had, by Olay the Red's daughter, Sommerled, Reginald or Ranald, and Olay; he had Gillies by a woman of the Bissets, and had one only daughter called Beatrix, who was a prioress of Icollumkill. Moreover, if Sommerled was descended of obscure parents, how could he immediately come to so great a fortune, as to get so many men and followers as those writers who defame him report he had?

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<sup>1</sup> Dugall was not illegitimate. The Rev. A. J. Macdonald, however (*Scots Peerage*, vol. v., s.v. 'Macdonald, Lord of the Isles') denies that he was the oldest son, or the ancestor of the Macdougalls of Lorne. But no authorities are cited. And the reasoning by which similar views are supported in *The Clan Donald*, i. pp. 61 *et seq.*, is not convincing.

After Sommerled, his son Sommerled succeeded him as Thane of Argyle. Reginald, his brother, the Isles, Dugall, Lorn, and Gillies had Kintyre, by the disposition of their father. Sommerled pretended that the people of Cowal and Lennox harried his lands of their store and cattle, and therefore made incursions on them, of which they complained to the king. Furthermore, he would have the lands which were left by his father to his brethern at his own disposal. The king sent the Earl of March with a considerable body of men against him, who was so favourable that he advised, at a private conference, that since he lost his affection for his brethern, by seizing on these lands which their father left them, he could not stand out against the king and them, and therefore that it was best he should go along with him, and he would procure for him the king's pardon and favour; so he did, and was pardoned by the king. Shortly thereafter he died, leaving two sons, John and Maolmory, who were both young. Of this John<sup>1</sup> are descended MacEans of Ardnamurchan. He was buried at Icollumkill. Reginald his brother became tutor to John, and had several bickerings with Dugall of Lorn, his brother, about the Isles of Mull. Dugall, after he had received the 700 merks lands west of Lorn, from the head of Lochleven, till you come to Asknish in Argyleshire, resolved to have the Isles of Mull by force from Reginald, though he had no right thereto by his father's will, his other brethern having the Isles resigned to them by right of their mother; Dougall, being a natural son, had no right to the Isles, but the good will of his father bestowed upon him the lands of Lorn. When John, Sommerled's son, and nephew to Reginald, passed the years of his minority, he desired his uncle Reginald to send a party with him to apprehend Muchdanach, who held the lands of Moidart and Ardnamurchan, who always assisted Dugall against his uncle Reginald, for Dugall had most of his children by the Muchdanach's daughter. So John and Clement Clericus, so called being a scholar, killed the Muchdanach, but when they returned, Reginald was very wroth with them for killing him. Although he wished to

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<sup>1</sup> *Vide post*, p. 14, note.



have him apprehended, he did not desire to have him killed. John said he would ask no more of his father's but the lands of Ardnamurchan and Glassridh in Argyle, and 20 pound lands of Isla, which his uncle granted him. Reginald was married to MacRandel's daughter, or, as some say, to a sister of Thomas Randel Earl of Murray, for by her the Macdonalds challenged proper to themselves some lands in the Braes of Murray. He had by her Donald, he had Angus, of whom descended the Robertsons in Athol, and MacLulichs, who are now called in the low country Pittulichs. He had another son, John Maol, or ye Bald, who went for Ireland, of whom descended the Macdonalds of Tireoin. In the meantime, Reginald died in the 54th year of his age, and was buried in Icollumkill.<sup>1</sup> Donald his son succeeded him in the Lordship of the Isles and Thaneship of Argyle. He married the daughter of Gillies, by whom he had Angus, Alexander and Sommerled. He went to Denmark, and brought with him many of the ancient Danes of the Isles, namely, the Macduffies and Macnagills; Macdougall his uncle went with him, where by his own rights and the peculiar rights he had for the Isles by Olay the Red's daughter, were renewed by Magnus King of Denmark. For until that time the Danes on the north side of Ardnamurchan held of the King of Denmark. After this he and his uncle Dugall became enemies, so that at last he was forced to kill Dugall. After this, King Alexander sent Sir William Rollock as messenger to him to Kintyre, desiring [him] to hold the Isles of him, which he had now from the King of Denmark. Donald replied, that his predecessors had their rights of the Isles from the crown of Denmark, which were renewed by the present King thereof, and that he held the Isles of his Majesty of Denmark, before he renounced his claim to his Majesty of Scotland. Sir William said, that the King might grant the superiority of the Isles to whom he pleased. Donald answered to this, that Olay the Red, and Godfrey the Black's father, from whom he had the most of the Isles, had the Isles by their conquest, and not from the King of Denmark or Scotland. So that he and Sir William could not end the debate. In

<sup>1</sup> He founded the Benedictine monastery there. *Vide post*, p. 82.

law or reasoning Donald being advised by wicked councillors, in the dawning of the day surprised Sir William and his men. Sir William with some of his men were killed. He banished Gillies out of the Isles to the glens in Ireland, where some of his offspring remain until this day. He killed Gillies' young son called Callum Alin. He brought the MacNeills from Lennox, to expel Gillies out of Kintyre. After this he went to Rome, bringing seven priests in his company, to be reconciled to the Pope and church. These priests declaring his remorse of conscience for the evil deeds of his former life, the Pope asked if he was willing to endure any torment that the church was pleased to inflict upon him? Donald replied, that he was willing should they please to burn him in a cauldron of lead. The church seeing him so penitent, dispensed with him. Some writers affirm that he had his rights from the Pope of all the lands he possessed in Argyle, Kintyre, and the rest of the continent. After his return home, he built the Monastery of Sadell in Kintyre, dedicated to the honour of the Virgin Mary. He mortified 48 merks lands to that Monastery, and the Island of Heisker to the Nuns of Iona. He died at Shippinage in the year 1289,<sup>1</sup> and was buried at Icolmkill. He had three sons, Angus, Alexander, and Sommerled. Angus was proclaimed Lord of the Isles with the consent and goodwill of all the Highlanders. He was always a follower of King Robert Bruce in all his wars, assisting him with his men in recovering the hold of Dundonald, and another castle in Carrick from the English. The King stayed with him half a year at Sadell in Kintyre, sent his galleys and men with him to Ireland, transported Edward Bruce very often to Ireland, and furnished him with necessaries for his expedition. But Alexander, Angus' brother, who was called by the Scottish writers

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<sup>1</sup> There is here a good deal of confusion, *e.g.* Donald must have died long before 1289. Further, he had at least two sons, Angus Mor and Alexander. Angus Mor, who succeeded, had by his wife, the daughter of Sir Colin Campbell, three sons—Alexander, Angus Oig, and John Sprangach, the ancestor of the MacIans of Ardnamurchan. On the death of Angus Mor he was succeeded by Alexander, and it was he who opposed Bruce and died at Dundonald, when he was succeeded by his brother Angus Oig.

Thane of Argyle, having his lands in Knapdale and Argyle, being married to a daughter of Macdougall of Lorn,<sup>1</sup> otherwise called John Baccach, or Lame, and living in Castle-Swin, would by no means own King Robert's quarrell, but fought always against him with Macdougall, and likewise with Macdougall against his brother Angus, Lord of the Isles; for the Macdougalls for a long time fought against the Macdonalds, pretending that the Island of Mull was left to Macdougall by Sommerled his father, which was by no means just, for Dougall was only a natural son of Sommerled, and not lawfully begotten on Olay the Red's daughter, as his other brethern were. At a time when Macdougall went to Isla, thinking to surprise Angus, Lord of the Isles, he sent a spy before him to know where Angus then was. There was a countryman ploughing near the harbour, and the Lord of the Isles walked for his recreation after the plough. The spy knew him immediately. They asked him whither he was going, and whence he came? He answered, he was lately of Macdougall's followers, but that he was now seeking another master. Macdonald desired him to ask his master when he would see him, if the little black horse would overtake the great red horse, for himself was black, and Macdougall red-haired. Macdougall being informed of this by the spy, left the country that same night, but continued always to molest Macdonald and the family of Ardnamurchan, for Angus the son of Ranald was killed by an arrow at Dunelike, of whom descended the family of the Robertsons, and still bickered with them until the time of John Lord of the Isles. The reason why Macdougall opposed King Robert Bruce's interest was, because John of Lorn was nephew to Cummin,<sup>2</sup> killed by King Robert at Dumfries. The King besieged Alexander, brother to Angus Lord of the Isles, very strictly at Castle-Swin, till he was obliged to surrender the castle. When he was taken, he was con-

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<sup>1</sup> The family was otherwise known as *de Ergadia* or of Lorn.

<sup>2</sup> Alexander de Ergadia married the third daughter of Sir John Comyn the elder, by whom he had John of Lorn (Wyntoun, viii. 1153). She was the aunt of the Red Comyn killed at Dumfries.

fined prisoner in the castle of Dundonald, where he died. They granted Castle-Swin and all his lands to his brother, Angus of the Isles, who went with five thousand men to assist Bruce against the English in the battle of Bannockburn, where he behaved himself most faithfully. The king, in return for his good services, bestowed on him Lochaber, after the forfeiture of the Cummins, one of whom was Earl thereof. It was by persuasion of Macdougall, the Cummins, and the rest of the Baliol faction, that MacPhaden fought against Wallace, being promised great lands and possessions by them. He went to Ireland, carrying his extraction from the ancient Rurices, and brought from hence 1500 men, who with himself were all cut off at a place called Brarich near Lochow. Their ancient arms were a star and arrow. This Angus of the Isles was a little black man, of a very amiable and cheerful disposition, and more witty than any could take him to be by his countenance. He had three or four concubines, by whom he had children. The first, John of Ardnamurchan's daughter, by whom he had John, who came to Uist and married Macleod's daughter, by whom he had a son called Murdo. Of him descended the ancient branch of the Macdonalds called Shiol Mhurchy or Murdos, descended from Murdo their progenitor. He had other three sons, called Gill-Callum Allan, Sommerled the Fair, and Iver an Eanidh. He had a concubine, a daughter of MacMurich of Ardpun in Jura, by whom he had Alexander or Alister Durach, of whom are descended the Macalisters of Loup and Tarbert, and the Macnabs, who derive their extraction from an Abbot of this name. He had another concubine, a daughter of John Gruamach Mackay, by whom he had a daughter, who was married to Duncan, first laird of Struan in Athole. He had by the daughter of John, the mother of the first laird of MacIntosh; for a son of MacDuff, Thane of Fife, coming after manslaughter to shelter himself in Macdonald's house, got his daughter with child, went to Ireland with Edward Bruce, where he was killed; by which means, MacIntosh is of a natural descent, his progenitor being got in that manner. MacIntosh in the



ancient language signifies a Thane's son. The boy was brought up by Macdonald, who, in process of time, procured a competent estate for him in the Braes of Lochaber, and in the Braes of Murray. But he had Angus Ogg, his lawful son, by the daughter of Sir Colin Campbell, who succeeded him. He died at Kilcummin in Isla, anno 1300, and with the accustomed solemnity of his predecessors, was buried at Icolumnkil. In the minority of Angus Ogg his son, Reginald, or, as he was styled by the vulgar, Reynald Armin or the Lord, did challenge Angus to be his tutor, and not only so, but that he was the son of the above mentioned John of Ardnamurchan, son of the second Sommerled, who was the eldest son of the first Sommerled, and consequently by right he should be the Lord of the Isles himself, whereas it stood otherwise by his father's disposition. Isla and Mull were allotted to Reginald; to Sommerled was allotted Argyle and Knapdale; to Gillies, Kintyre; besides, John resigned all his right of the Isles to his cousin german, Donald aforesaid, Lord of the Isles, when he supplied him with men to recover Ardnamurchan from the Muchdanachs; and, besides, before this time, Donald, Lord of the Isles, procured his rights from the King of Denmark, Donald granted him then the stewartry of the Isles. This Reginald cleaved fast to King Robert the Bruce, and David Bruce his son, with whom he was in great esteem. This Reginald was married to Macleod of Harris's daughter. Being intimate with King David, he purchased some of Macleod's rights from the King. Moreover, he took upon him the sole government of the Isles for nine years, and banished the sons of Alexander, Thane of Argyle, the son of Donald, Lord of the Isles, whom before we told died a captive in Dundonald, [viz.] Hector, and his son Sommerled, and Isaac, whom they aim at in pronouncing the word Scipio, of whom descended the Macdonalds in Connaught, Munster and Leinster, to the number of nine septs, who procured for themselves the being and estate of Squires, till they lost all in Queen Elizabeth's time. And John, surnamed the Bald, the son of the first Reginald, the brother of Donald, the Lord of

the Isles, was forced to go likewise for Ireland, of whom re descended the Macdonalds of Tireoin. O'Neill gave him a portion of land called Crock-Conight then ; for other services he procured other lands, and the proportion of Clancairnice in the county of Armagh. This Reginald married a brother's son of his grandfather's to an heiress of the name of the Morrisons in the Lewis. At last, as King David was making up a great army to invade England, he and the Earl of Ross did quarrel about precedency at St. Johnston. He was killed by the Earl of Ross, which was a great hinderance to that expedition.<sup>1</sup> In the meantime, Angus Ogg, being yet a minor, who steps in uncalled for, but Duncan, the son of Angus, the son of the first Reginald, of whom descended the lairds of Struan, of this Duncan descended the Robertsons, called by the ancient Scots Clan-Dunchi.<sup>2</sup> This man ruled the Isles for three years at pleasure, but had no right thereto, his father being a natural son of the first Reginald. But Ewan Roy MacFingon, gathering all those that were faithful to Angus Ogg, chased Duncan out of the Isles, and killed the rest of his followers. Duncan, after this defeat, betook himself to the Braes of Lochaber, and took on to serve the Prior of Killmanivais, a little priory dependent on Ardochattan. It happened one day as he and other twelve men were keeping the stores and cattle of the friars there, they fell a planning, and judged that one of their company deserved death. Upon this they made a gallows, hauled him up, but did not in reality intend to hang him. At that very time there came a wolfe near the sheep, which made Duncan and his followers to pursue him, until they killed him ; but before they returned their companion was dead. Duncan, for fear of the prior and the friars, durst not return home. He told the rest, that if they would be led by him, and obey his orders, he would procure a livelihood both for himself and them. Thus he became a great robber.

<sup>1</sup> The murdered man was not the Reginald mentioned in the text, but Reginald MacRuari of Garmoran, who held the lands of Kintail of the Earl of Ross. The scene of the murder was the monastery of Elcho, where Reginald had taken up his quarters.

<sup>2</sup> Vide *Macfarlane's Genealogical Collections*, Scot. Hist. Soc., vol. xxxiv. p. 301.

At last he went to the Braes of Athole. There was living at that time there a laird of the name of Stewart, called Malcolm Roy, who had 80 merks lands; he had no children, but only one daughter, and as Duncan and his men came above the town, a woman went up in search of some cattle and as he perceived the woman, he desired the men to remain still where they were, and that he would meet the woman. He cast off all his clothes, and stark naked, (there being a small rivulet of water and mire near to it,) he threw himself into the mire. Whenever the woman perceived him, she screamed aloud, desiring him for God's sake, if he was a man of this world, to tell what he was. He cautioned her not to be afraid, that he would do her no harm, that his residence was there always, and that his name was Gurisgliche; and that she should go to Malcolm Stewart, and tell him that such a man had met her, who desired Malcolm Stewart to bestow his daughter on *him*, who would come in at the last part of mass, (there being mass to be in three days,) with twelve men, which, if he did not, he would never prosper. On the mass day, who comes in but Duncan, with his twelve men at his heels, whom Malcolm stedfastly beholding, desired that he should remain with him that night. The matter was at last made up between Duncan and Malcolm's daughter. After this, there was great complaints made of Duncan's robbery to the king. Duncan put on a woman's habit, and a great broach in his breast, alleging that he himself was Duncan's mother; and so went to Stirling to intercede for Duncan, whom the king pardoned conditionally, he should get bail for his good behaviour thereafter. He said he would be cautioner for him, and make him reform his life. When he procured the king's pardon, he made himself known, and told that he himself was the man which raised laughter against the king and court. At another time, King Robert the Second being on a journey, accompanied only by one gentleman, (as often his manner was,) he was apprehended by these Robertsons, who brought him to Lochtamer, and though they knew him well to be the king, they did not make it known. They had beef, of which they cut some

steaks, and when they roasted them on the coals, welcomed the king heartily to eat, who had not a great appetite to eat of their dressing, and asked if they always used such diet? They replied, they had no better. On the morrow, the king was willing to go to St. Johnston, but they begged his pardon, and said they did not know him to be the king, yet now they would convey him to St. Johnston, and would prove a safeguard and defence for his person. The king bestowed 100 merks land upon them. Duncan died at Strathallan, and was buried in Weems. After this, the Robertsons advanced in their fortunes, for it was they that apprehended the Earl of Atholl after murdering King James the First. The Laird of Struan is truly chief. The Lairds of Lude, Strathloch, Killkur, etc., are the descendants of the second marriage by Macdonald's daughter. Angus Ogg, after he had chased Duncan from the Isles, was proclaimed Lord of the Isles, and Thane of Argyle and Lochaber, being then 22 years of age. He was at his first entry upon his possessions much opposed by MacDougall Lorn, on account of the Island of Mull, to which he pretended right. He married Margaret, daughter of Guy O'Kaine in Ireland. She was the mother of Brian Balloch O'Neill, of whom descended the O'Neals of both the Clan Buys. The portion or tocher he had by her was seven score men out of every surname under O'Kain, viz. :—the Munroes, so called, because they came from the Innermost Roe-water in the county of Derry, their names being formerly O'Millans, the Roses of Killraack, the Fairns, Dingwalls, Glasses, Beatons, so now called, but improperly, that being a French name, whereas they are Irish, of the tribe of O'Neals, and took the name first from following the name of Beda. Our Highland shenakies say that Balfour Blebo, and these Beatons that came from France, went formerly from Ireland, but for this they have no grounds to go upon. The Macphersons, who are not the same with the Macphersons of Badenoch, but are of the O'Docharties in Ireland; the Butikes in Caithness, of whom is the Laird of Tolingail,<sup>1</sup> and many

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<sup>1</sup> The reference is probably to the family of *Budge*, long proprietors of *Toftingal*.



other surnames, which, for brevity, we pass over, many of whom had no succession. Now, Angus Ogg<sup>1</sup> being at Ardhorinish in Morvein, in the time of Lent, Macdougall sent the two sons of Gillian in message to him. To know of these, viz. :—the sons of Gillian, I will tell you from whence they came, viz. :—John of Lorn, commonly called John Baccach, went off to harry Carrick in Galloway, the property of Robert Bruce, afterwards King Robert, and there meeting with one Gillian by name, son of Gilleusa, son of John, son of Gilleusa-More, he came to John Baccach in Lorn in quest of better fortune. Macdougall gave him a spot of land in the Isle of Sael, called Bealachuain. He had three sons, Hector, of whom descended the family of Lochbuy, and was the oldest ; Lachlin, whom descended the family Duairt, and the rest of the name ; and a natural son, John, of whom others of the name descended. Now, in the Scots language, they were called Maclean, from that Gillian that made the first fortune there ; but the ancient Scots called them MacGillian. The two sons of Gillian, as related above, were sent ambassadors to Macdonald at Ardhorinish, where, at the time, he held his Lent, as the custom of the time then was. They, after landing, had some conference with Macdonald about the Isle of Mull.<sup>2</sup> Macdonald denying any of his proper right of lands to Macdougall, desired MacFinnon, who was master of his household, to use the gentlemen kindly, and to cause them dine alone. MacFinnon caused set before them bread and gruthim, consisting of butter and curds mixed together, which is made in harvest, and preserved until time of Lent. The gruthim was so brittle, that it was not easily taken up with their long knives. Macdonald, coming up at the same time, and perceiving the men at meat in that posture, desired to give them some other sort of meat. MacFinnon

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<sup>1</sup> The story cannot relate to Angus Oig, *vide post*, p. 23, note 2.

<sup>2</sup> John of Yle had his right to Mull recognised by David II. in a charter dated 12th June 1343, printed in vol. xii. of the *Acts of Parliament*. A remarkable deed, in which he and John of Lorn in 1354 settled this and other questions between them, is printed *post*, p. 75. This John of Lorn was the grandson of John Baccach, being the son of his son Alan. He married Joanna, daughter of Thomas Isaac and the Princess Matilda, and thus granddaughter of Robert I., and had considerable part of the family possessions restored to him.

replied, that if they could not eat that meat as it was, they should put on the nabs of hens, with which they might gather it up easily ; which reproachful answer touched the sons of Gillian nearly. Macdonald being that same day to cross the Sound of Mull to Aros, to solemnise the festival of Pasch there, he took a small boat for himself, leaving MacFinnon behind with his great galley and carriage, and the rest of his men. When MacFinnon went to the shore, to follow Macdonald, the sons of Gillian taking the opportunity of revenge, and calling MacFinnon aside, stabbed him, and straight with his galley and their own men followed Macdonald across the Sound, who was not aware of them, thinking it was MacFinnon with his own galley that followed him, till they leaped into the boat wherein he was, and after apprehending him, made him prisoner, and brought him to Dunstafrage in Lorn. They remained without. Macdougall being, in the meantime, at dinner, who, hearing of their arrival, and that Macdonald was prisoner with them, said he was glad Macdonald was safe, and was very well pleased to have him his prisoner ; but that Gillian's children were very bold in their attempt, and that he would through time bridle their forwardness and insolence. There was a young son of Macdougall's hearing what his father had said : This boy, fostered by Gillian, and his son, coming out to meet them, told what his father said of them. They being perplexed, and musing what to do in this so precarious an affair, thought best to have their recourse to Macdonald, and told him that all men knew that they were of no power or capacity to apprehend him, but by accident, as it fell out ; and seeing it was so, that he knew if he pleased to do them any good, and forgive them their former crime, he was more in power than their former master ; that they would join with him, go along with him, and deliver him from the present danger. So, taking Macdonald to his own galley again, Macdougall neither seeing him or them, they went for Mull, taking the Lord of the Isles upon his word, as they might. For he gave fourscore merks lands to Hector the oldest brother, and to Lauchlane the youngest he gave the chamberlain-

ship of his house, and made MacFinnon thereafter marshall of his army.<sup>1</sup> Now, these made up the surname of Maclean, for they never had a rigg of land but what they received from Macdonald ; to the contrary of which I defy them, or any other, to produce any argument ; yet they were very thankful for the good done them afterwards. When the Macdonalds were in adversity, which happened by their own folly, they became their mortal enemies, as may be seen in the sequel of this history. Angus Ogg of the Isles was a personable, modest man, affable, and not disaffected either to king or state. He created Macguire or Macquarry a Thane. He had a natural son, John, by Dougall Mac-Henry's daughter, she being her father's only child. This John by his mother enjoyed the lands of Glencoe, of whom descended the race of the Macdonalds. He had his legitimate son John, who succeeded him, by O'Kain's daughter. He had not many children that came to age. He had a daughter married to MacLean, and that by her inclination of yielding.<sup>2</sup> Angus died at Isla, and was interred at Icolumbkill. I thought fit to annex the ceremony of proclaiming the Lord of the Isles. At this the Bishop of Argyle, the Bishop of the Isles, and seven

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<sup>1</sup> The oldest Maclean account of this incident (written after 1715) will be found in *Macfarlane's Genealogical Collections*, Scot. Hist. Soc., vol. xxxiii. p. 122, and may be usefully compared with the grandiose descriptions of modern writers on Maclean history. The anonymous author is a partisan of the family of Duart, for whose seniority he argues at length. But the tradition preserved by Hugh Macdonald, who in this matter may be regarded as impartial, is quite definite both as to the rise of the Maclean family and the seniority of the two brothers. The greater importance to which the younger branch ultimately attained is easily accounted for by its closer connection with the Lords of the Isles. Skene, *Collectanea de Rebus Albanicis*, p. 362, asserts Lachlan to be the elder. He refers to a MS. written in 1467, and makes this extraordinary statement : 'This MS. having been written during the lifetime of the two brothers, it may be held as settling the question.'

<sup>2</sup> The Lord of the Isles, on whom this trick is said to have been played, cannot have been Angus Oig, who died about 1330. There is printed *post*, p. 78, a papal letter to the Bishop of Sodor, dated May 1367, relative to the marriage of Lachlan Maguilleon and Mary de Insulis, which shows that the lady was a daughter of John, Lord of the Isles, by his first marriage, and also explains Hugh Macdonald's quaint phrase 'by her inclination of yielding.'

priests, were sometimes present ; but a bishop was always present, with the chieftains of all the principal families, and a *Ruler of the Isles*. There was a square stone, seven or eight feet long, and the tract of a man's foot cut thereon, upon which he stood, denoting that he should walk in the footsteps and uprightness of his predecessors, and that he was installed by right in his possessions. He was clothed in a white habit, to shew his innocence and integrity of heart, that he would be a light to his people, and maintain the true religion. The white apparel did afterwards belong to the poet by right. Then he was to receive a white rod in his hand, intimating that he had power to rule, not with tyranny and partiality, but with discretion and sincerity. Then he received his forefathers' sword, or some other sword, signifying that his duty was to protect and defend them from the incursions of their enemies in peace or war, as the obligations and customs of his predecessors were. The ceremony being over, mass was said after the blessing of the bishop and seven priests, the people pouring their prayer for the success and prosperity of their new created Lord. When they were dismissed, the Lord of the Isles feasted them for a week thereafter ; gave liberally to the monks, poets, bards and musicians. You may judge that they spent liberally without any exception of persons. The constitution of government of the Isles was thus : Macdonald had his council at Island Finlaggan, in Isla, to the number of sixteen, viz. :—four Thanes, four Armins, that is to say, Lords or sub-Thanes, four Bastards, (*i.e.*) Squires, or men of competent estates, who could not come up with Armins or Thanes, that is, freeholders, or men that had their lands in factory, as Macgee of the Rinds of Isla, MacNicoll in Portree in Sky, and MacEachern, Mackay, and MacGillevray in Mull, Macillemhaoel or MacMillan, etc. There was a table of stone where this council sat in the Isle of Finlaggan ; the which table, with the stone on which Macdonald sat, were carried away by Argyle with the bells that were at Icolmkill. Moreover, there was a judge in every Isle for the discussion of all controversies, who had lands from Macdonald for their trouble, and likewise the



eleventh part of every action decided. But there might be still an appeal to the Council of the Isles. MacFinnon was obliged to see weights and measures adjusted; and MacDuffie, or MacPhie of Colonsay, kept the records of the Isles. John, Lord of the Isles, was at peace with the king always, and had a strong party of standing forces, under the command of Hector More Macillechoan, for defending Lochaber and the frontiers of the country from robbery and incursions of the rest of the Scots. He cohabited for nine or ten years with a concubine, a gentlewoman of the Macdougalls of Lorn, Algive by name, daughter of Allan, son of Roderick Macdougall.<sup>1</sup> He had by her three sons and a daughter, viz. :—Godfrey, Reginald, and Marius, the last of whom was drowned in his youth going for Ireland. Of Godfrey descended a branch of the Macdonalds in North Uist, called Shiol Ghiorry, or Godfrey's offspring. He had from his father a large portion of land, as North Uist, Benbicula, the one half of South Uist, Boysdale, Canna, Slate, and Knoydart. It was he gave Boisdale to MacNeill of Barra, and gifted Hirta or St. Kilda to the Laird of Harris. He was very liberal, but his offspring were very unfortunate and lost all. He died a year after his father's death.<sup>2</sup> To Reginald, of whom the family of Mudart descended, his father allotted the rest of South Uist, Egg,

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<sup>1</sup> It is hardly necessary to state that the lady referred to was not Algive or a Macdougall, but Amie MacRuari, the sister of Reginald MacRuari, on whose death (*vide ante*, p. 18, note 1) she succeeded to the great lordship of Garmoran. That she was no concubine, but the lawful wife of John de Insulis, is proved conclusively by the Dispensation, dated 13th June 1337, printed *post*, p. 73. Divorce in the sense of dissolution of a valid marriage was of course impossible by ecclesiastical law. But, in Scotland at least, it was seldom impossible to satisfy the authorities that there had been some latent impediment, not dispensed from, which rendered the marriage *ab initio* null without reflecting on the character of the lady or affecting the legitimacy of the issue. The Dispensation for the marriage with Margaret Stewart is dated 14th June 1350. It is printed by Father Theiner, *Vet. Mon.*, p. 294.

<sup>2</sup> He was alive on 7th July 1389, when, by charter dated at his castle of Elane Tyrym, he confirmed to Inchaffray a grant by Christina filia Alani and Reginaldus dictus M'Rodry (*The Charters of Inchaffray Abbey*, Scot. Hist. Soc., vol. lvi. p. 136). This charter in its turn along with the previous grant was confirmed by Godfrey's brother, Donald de Yle, *Dominus Insularum*, by charter dated at his castle of dun Aros, in Mulle, 6th December 1410 (*ibid.*, p. 137).

Rum, Mudart, Moror, and Arisaig. This gentlewoman that was their mother, being a good virtuous woman, procured to her children from their father their proportion and estates before he married. She built the Trinity Church at Carinish in North Uist. This John of the Isles mortified much land to the church in his time, and enriched the family church with several privileges. Algive likewise built the castle of Borge in Benbicula, and Castle Tirrim in Mudart. She built the parish church of St. Columb in Benbicula, and the little oratory in Grimsay, all at the expense of John of the Isles, who mortified eight merk lands in North Uist to the church, two farms in Benbicula. At last he abandoned Algive, by the consent of his council and familiar friends, particularly by the advice of MacInnes of Ardgour, who, being his foster father, advised him to take to wife the king's daughter. So declining Algive, who cursed MacInnes for his advice to his foster father's son, the marriage went on, for he married Lady Margaret Stewart, daughter to King Robert II., Sir Adam Moor's daughter being her mother. When John of the Isles was to be married, some of his followers and familiars advised him to behave courteously before the king, and to uncover himself as others did. He said he did not well know how the king should be revered, for all the men he ever saw should reverence himself; and with that threw away his cape [cap?], saying he would wear none. At different times he had the rights of Lochaber, and Morvern, Mudart, and Knoydort, from the king his father in law. Algive thereafter lived a solitary life, but was the ruin of MacInnes of Ardgour. John had by the King's daughter<sup>1</sup> Donald, who succeeded him; John More of whom descended the Macdonalds of Kintyre, Antrim, and Sanay, Leargy, and Isla. He had Alister Carrich, of whom descended Keppoch and the Macdonalds in the Braes of Lochaber, which I hold to be the third noblest branch of the Macdonalds in order of their descent, as being legitimately begotten before the

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<sup>1</sup> Her relations with her sons seem to have been far from friendly, *vide post*, p. 81.

rest. John had a daughter by Lady Margaret Stewart married to Montgomery of Eglinton, who had Macdonald's arms in their house for a long time; till of late years a countess in the family removed the bloody hand out of the arms, because it held a cross; she being a rigid Presbyterian. John had another daughter by Algive, who was married to Kenneth Achiench Mackenzie, so called being nourished on a spot of land of that name near the head of Lochaw. John of the Isles went two different times to see if he could make Brian Ballach O'Neill (his brother by the mother) O'Neal, which he could not carry on. He created many Thanes in his time, for the Lords of the Isles created thanes and sub-thanes at pleasure. He contracted a severe flux at Ardgour, a little before his death. By means of Algive and her children some indecent language was reported of MacInnes; as, that when he came to the Lord of the Isles, the house in which he lay did not smell well; and one near hand said there was a hound lying there; and that MacInnes said any company would be the better of a dog; and this was done by Algive and her children; because MacInnes was the most forward in advising John of the Isles from marrying her. Forthwith Donald Maclean, son of Lauchlane, had commission to kill MacInnes, which accordingly he did; and having also killed his five sons, got himself possessed of Ardgour, which his posterity enjoy to this day. The Lord of the Isles was carried while yet alive to Ardhornish, where he died the third night thereafter, in the 55th year of his age, and was interred at Icolmkill. In the minority of Donald, Godfrey, eldest son of John by Algive, died the year after his father, and Reginald, the second son by Algive, became tutor both to Donald and to Godfrey's children, for the space of nine or ten years. The children of Algive were possessed of their patrimony during their father's lifetime. The children legitimately begotten by the king's daughter were left to the disposal of their eldest brother Donald. Godfrey left four sons, Ronald, John, Angus, and Archibald, but none of them ever enjoyed their father's patrimony; for Ronald, their uncle, took hold of all their share of South Uist to



himself, with the Isle of Canna, in time of his tutelage, they being young, and not come to any years of perfection. Ranald, their uncle, married the daughter of Duncan Stewart of Lennox. He had children by her, Allan, of whom descended the families of Mudort and Morar, and Donald, of whom the family of Glengarry descended, John, and Angus Beusich, and another called Donald. He gave over the tutory to Donald, his brother, in Egg. He died at Castle Tirrim, and was buried at Icolmkill. Donald began to govern the Isles, Argyle, Kintyre, and Lochaber. He married Margaret Lesly, daughter of William Lesly, Earl of Ross, who had no children except her and a son called Alexander. This Alexander was married to the Duke of Albany's<sup>1</sup> daughter, left no issue but one daughter named Eupheme. She being very young, the governor, her grandfather, took her to his own family, and having brought her up, they persuaded her by flattery and threats to resign her rights of the Earldom of Ross to John, his second son, Earl of Buchan, as it was given out, and *that* much against her will. But others were of opinion she did not resign her rights; but thereafter she was bereaved of her life, as most men thought by the contrivance of the governor. Donald, Lord of the Isles, claimed right to the Earldom of Ross, but could get no other hearing from the governor, but lofty menacing answers; neither could he get a sight of the rights which the Lady Eupheme gave to his son John. The governor thought that his own sway and strength could carry every thing according to his pleasure in the kingdom, still hoping for the crown, the true heir thereof (James I., nephew to the Duke of Albany) being prisoner in England. He likewise was at enmity with the Lord of the Isles, because Sir Adam Moor's daughter was his grandmother, knowing right well that he would own the true heir's cause against him. The Lord of the Isles told the governor he would either lose all he had or gain the Earldom of Ross, to which he had such a good title. The Duke replied, he wished Donald would be so forward as stick to what

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<sup>1</sup> Robert, Duke of Albany, governor of the realm, 1406-1420.

he said. Donald immediately raised the best of his men, to the number of 10,000, and chose out of them 6600, turning the rest of them to their homes. They thought first they would fight near to Inverness, but, because the duke and his army came not, Donald's army marched through Murray and over the Spey. The governor, Alexander Stewart, Earl of Murray,<sup>1</sup> and John Stewart, Earl of Buchan, the governor's son, having gathered an army of 9700 men, desired the Lord of the Isles to stay, and that they would meet them near Inverness and give him battle; but he would not leave his own men foraging in his own country of Ross. Therefore he marched forward, resolving to take his hazard near their doors, assuring himself of victory. Huntly, who was Macdonald's friend, sent him a private message, desiring him to commit no hostilities in his country, by the way of assuring him he would not own the governor's quarrels, and wishing Macdonald good success, and desiring him to be of good courage. The Lord of the Isles went forward till both armies met at Harlaw, a place in Garrioch, in the Braes of Buchan. There came several in the governor's army out of curiosity to see Macdonald and his Highlanders routed, as they imagined; others came to be rewarded by the governor, as they did not expect to see any other king in all appearance, but he and his offspring; others came through fear of the Duke's great authority. Macdonald set his men in order of battle as follows. He commanded himself the main battle, where he kept the most of the Islanders, and with the Macleods, John of Harris, and Roderick of Lewis. He ordered the rest to the wings, the right commanded by Hector Roy Maclean, and the left by Callum Beg Macintosh, who that day received from Macdonald a right of the lands of Glengary in Lochaber, by way of pleasing him for yielding the right wing to Maclean, and to prevent any quarrel between him and Maclean. MacIntosh said

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<sup>1</sup> Obviously a mistake for Mar (*vide post*, p. 30). A bastard son of the Wolf of Badenoch. He obtained a liferent of the earldom of Mar through his wife.

he would take the lands, and make the left behave as well as the right. John More, Donald's brother, was placed with a detachment of the lightest and nimblest men as a reserve, either to assist the wings or main battle, as occasion required. To him was joined Mackenzie, and Donald Cameron of Lochcill. Alister Carrich was young, and therefore was much against his will set apart, lest the whole of the brothers should be hazarded at once. The Earls of Marr and Buchan ordered their men in a main battle, and two small fronts: the right front was commanded by Lords Marishall and Erroll; the left by Sir Alexander Ogilvie, Sheriff of Angus. They encountered one another; their left wing was forced by MacLean, and the party on Macdonald's right was forced to give way. There was a great fold for keeping cattle behind them, into which they went. The Earl of Marr was forced to give ground, and that wing was quite defeated. Marr and Erroll posted to Aberdeen, the rest of Macdonald's men followed the chase. There were killed on the governor's side 2550. The Lord Marishall was apprehended safe, and died in his confinement of mere grief and despair. Sir Alexander Ogilvy, Sheriff of Angus, was killed, with seven knights, and several other gentlemen. On Macdonald's side Maclean fell; he and Irvin of Drum fought together till the one killed the other. Drum's two brothers, with the principal men of that surname, were killed, so that a boy of the name, who herded the cattle, succeeded to the estate of Drum. Two or three gentlemen of the name of Munroe were slain, together with the son of Macquarry of Ulva, and two gentlemen of the name of Cameron. On Macdonald's side were lost in all 180. This battle was fought anno 1411. Macdonald had burnt Aberdeen, had not Huntly dissuaded him from it, saying that by his victory in all appearance he gained his own, yet it was ridiculous to him to destroy the town, and that citizens would always join with him who had the upper hand. Now, to prove these fabulous and partial writers, particularly Buchanan, it is well known to several men of judgment and knowledge, that Macdonald had the victory there, and gained the

Earldom of Ross for four or five generations thereafter, and that MacIntosh, whom they say was killed, lived twenty years thereafter, and was with the Earl of Marr when Alexander Macdonald, Lord of the Isles, was captive at Tantallon, in the battle fought at Inverlochy against Donald Balloch, Alexander's cousin-german.<sup>1</sup> This Donald Balloch was son to John More, brother of Donald of the Isles, and Earl of Ross. Now, it happened that this same Callum Begg MacIntosh was with King James I. after his releasement from his captivity in England, in the same place where the battle was fought. The King asked him how far they followed the chace? MacIntosh replied, that they followed it farther than his majesty thought. So the king, riding on a pretty pace, asked MacIntosh if they came that length? He answering, said, that, in his opinion, there was a heap of stones before them, and that he left there a mark to shew that he followed the chace that length; and with that he brought a man's arm with its gauntlet out of the heap. The king, beholding it, desired him to be with him that night at Aberdeen. The king, upon his arrival there, going to his lodgings, MacIntosh said, in presence of the bystanders, that he had performed his word to the king, and now he would betake himself to his own lodgings; whereupon he immediately left the town, for he dreaded that the king would apprehend him. Patrick, Earl of Tullibardin,<sup>2</sup> said, as the other noblemen were talking of the battle of Harlaw, we know that Macdonald had the victory, but the governor had the printer. The rights which Alexander and John, who were Donald's successors, gave, shew by their date that they were wrote at Dingwall, in presence of our worthy friend and counsellors Macleod of the Lewis and John of Isla. Surely the Regent's party had not the advantage of the field, but those, who, as I formerly mentioned, fled on the Regent's right wing and went into the fold, the rest of Macdonald's army missing them, and following the chace, when they were out of sight, those in the fold came out

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<sup>1</sup> In 1431. *Vide post*, p. 40.

<sup>2</sup> So created in 1628.



and plundered all they could get hold of, which must be of very little value. After the battle Macdonald returned again to the Isles, no opposition being made to him all his lifetime in Ross. When his father died, he and his younger brothers were left minors under the tuition of their eldest brother Ranald, who, with other illegitimate<sup>1</sup> children, were infefted in their patrimonies previous to their father's death. John More received 120 merks lands in Kintyre, and 60 merks lands in Isla. Alexander Carrick refused the country of Trotternish in the Isle of Sky, preferring to it the forrest land of Lochaber, and so received the lands beyond the river Lochy, Mamore, and Glen Spean. Now John More married the heiress of the Glens in Ireland, being John Bissett's daughter, the fifth in descent from the Bissett who was banished from Scotland for the slaughter and murder of Walter Cumin,<sup>2</sup> Earl of Athol, and, although the queen and some of her train attested that he was among the residue of her attendants the night on which the murder was committed; yet the Cumin was such a potent name, that he was forced to leave the kingdom for Ireland, where he procured a good estate for himself. The Frasers and others enjoyed his inheritance. About this time lived the subtle and wicked councillor, the Green Abbot Finnon,<sup>3</sup> by whose daughter John More had a natural son called Ranald Bain, of whom descended the house of Lairgy. MacLean fostered Donald Balloch, John More's eldest legitimate son, by the abbot's advice, who told John More that he had but a small portion of his father's estate, and that he would seize upon all that was beyond the Point of Ardnamurchan southward. The Abbot being a subtle eloquent man, brought over to his side the chief of the MacLeans and MacLeod of Harris, to get the Islands for themselves from the Lords of the Isles, who, hearing a rumour of the insolence of the new faction,

<sup>1</sup> *Vide ante*, p. 25, note 1.

<sup>2</sup> The victim was Patrick, Earl of Atholl, son of the Countess Isabella and Thomas of Galloway. He was nearly related to the Comyns, who were prominent in attacking Walter Bisset for his alleged complicity in the murder.

<sup>3</sup> Brother of Niall, son of Gillebride (*Celtic Scotland*, iii. 489). For one of the legends about him see *The Queen's Wake*.

raised some powerful forces, viz., the men of Ross, MacLeod of Lewis, his own brother Alister Carrick, MacIntosh, Mackenzie, the chief of the Camerons, the Islanders, the men of Urquhart and Glenmoriston, the Glencoe people, and Macneill of Barra. Now John and his party could not withstand the forces of his brother; so, leaving Kintyre, he went to Galloway. Macdonald followed them. John went from Galloway to Ireland, and remained in the glens. Donald returned to Isla. John More and his faction seeing that both they themselves and their interest were like to be lost, unless Macdonald pardoned himself, and spared the rest, for his sake, thought it their best course to go to Isla, where Macdonald resided in Kilcummin. Upon John More's coming in his brother's presence, and prostrating himself on the ground, his brother rose and took him up, and embraced him kindly. This sedition was owing to MacFinnon and his kinsman, the Green Abbot, MacFinnon being found guilty, and convicted, was hanged, and the abbot was all his lifetime confined at Icolmkill, his life being spared because he was a churchman, where he built a stately tomb for himself, which is still to be seen. His children were so wicked and covetous, that they killed a son of MacFinnon's, who was fostered with Donald Ferguson, grandchild of Baron Ferguson. Afterwards, by the help of MacFinnon, the Fergusons killed the abbot's two sons.<sup>1</sup> All these broils being quailed, MacFinnon was reinstated in his own, getting Maosinish in exchange from Macdonald for the lands of Ross, in Mull, which lands belonged formerly to the church, and MacFinnon had more convenient passage from Strath in Sky to Maoshinish than to Ross in Mull. Macdonald enjoyed the Earldom of Ross all his lifetime without any competition or trouble, he being the king's near cousin; but as long as the king was captive in England, the Duke of Albany the Regent used all his power to oppose him and impair his greatness, being vexed that he lost the battle of Harlaw; and he and

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<sup>1</sup> For interesting information regarding a personage whom it seems reasonable to identify with the Green Abbot and his kinsmen, *vide post*, p. 83.



his son having an eye to the crown of Scotland, thought such a man as Macdonald might be a great hindrance to their designs and would not forsake the king his cousin on their account. Moreover, he was a man that would not be tainted or troubled with any hazardous or difficult enterprises ; and, finally, he was one of the best spirited men of the nation in his time, and especially of his own name ; for any man that is well known and read in history, will know the king's issue were the greatest traitors and oppressors in the kingdom. Donald had three or four children who died very young.<sup>1</sup> He died himself at Ardhorinish in Morvairn, in the forty-fifth <sup>2</sup> year of his age, and was buried at Icolmkill, after the rights and ceremonies of his predecessors. Alexander his son succeeded to his father's estate, and was proclaimed Earl of Ross and Lord of the Isles after the accustomed manner, a man born to much trouble all his lifetime. First, he took to him the concubine, daughter to Patrick Obeolan, surnamed the Red, who was a very beautiful woman. This surname Obeolan was the surnames of the Earls of Ross, till Farquar, born in Ross, was created earl by King Alexander, and so carried the name of Ross since, as best answering the English tongue. This Obeolan had its descent of the ancient tribe of the Manapii ; of this tribe is also St. Rice or Rufus. Patrick was an abbot, and had Carlebay in the Lewis, and the church lands in that country, with 18 merks lands in Lochbroom. He had two sons and a daughter. The sons were called Normand and Austin More, so called from his excessive strength and corpulency. This Normand had daughters that were great beauties, one of whom was married to Mackay of Strathnavern ; one to Dugall MacRanald, Laird of Mudort ; one to Macleod of Assint ; one to MacDuffee ; and another, the first, to MacLean of

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<sup>1</sup> He had a daughter Marion married to Alexander Sutherland of Dunbeath prior to 24th October 1429 (*Additional Sutherland Case*, p. 128). See *Thanes of Cawdor*, p. 16.

<sup>2</sup> As he was old enough to be given as a hostage on 15th November 1369 (*Act of Parliament*, vol. xii. p. 16), and died *circa* 1420 (Gregory, *History*, p. 33), he must have been more than forty-five at his death.

Bororay. Patrick's daughter bore a son to Alexander Lord of the Isles and Earl of Ross, who was called Austin,<sup>1</sup> or, as others say, Augustine. She was twice brought before the king, as MacDonald could not be induced to part with her, on occasion of her great beauty. The king said, that it was no wonder that such a fair damsel had enticed MacDonald. At last, by the king's persuasion, he married Margaret Livingston, daughter to Sir Alexander Livingston, the Regent, who bore to him John and other two, who died in their infancy.<sup>2</sup> Many malicious and ignorant writers impute to Alexander several mischievous actions, whereof he was innocent. The courtiers about King James, and especially the offspring of Robert the Second, who were defeated by his father Donald at Harlaw, and disappointed in their designs, became his mortal enemies. These being always in the king's ears, made him believe that MacDonald's power was so extensive, that he ought to be crushed in time. At that time he possessed and governed all the lands between the Mull of Kintyre along the sea coast, and Strathnavern, with the western Isles: Whereupon the king summoned him to compare, but as he was about to go, was privately warned by the family of the Douglasses, the Lords of Hamilton and Crawford, who were against the king, and dreaded that the opposite party would bring Macdonald to their own side. Macdonald having waited for some time at Inverness, the king sent thither privately Sir William Crichton, William Hay, and Stewart of Atholl, with a strong party, who, leaving their men in the hill all day, went into town, pretending to have a private message from the king to him; but when it was night, their men came into town, and surprised Macdonald.

That this is false can be proven from a charter granted by his father to Austin, wherein is mentioned that the Earl of Huntly's daughter was her mother, who was likewise married to Alexander.

<sup>1</sup> This marginal note appears in the transcript as if it had been added by some reader of the original manuscript. The use of Austin for Uisdean or Hugh is one of the many instances in which classical names are utilised to represent Gaelic names of a somewhat similar sound—e.g. Aeneas, Hector, Scipio, Julia.

<sup>2</sup> Alexander, Lord of the Isles, is generally said to have been married to Elizabeth Seton, sister of the first Earl of Huntly, *vide post*, p. 47, note 3. His wife's name certainly was Elizabeth, and their relations seem to have become strained, *vide post*, p. 93.

They carried him off a prisoner to the king, who, finding nothing hurtful laid to his charge, freely discharged him. Though Macdonald took this sort of usage as a slight offence and disgrace, yet he contented himself, being innocent. He contracted his son John to the Earl of Orkney, and Alexander Lord of the Isles, as they happened to be at meat in Edinburgh, some sort of pudding was laid before them. Macdonald pressed the Earl of Orkney to eat, who said he would not eat light. Macdonald replied that, as he himself was not used to such light, he would eat of it. The Earl of Orkney asked what sort of light was wont to be burnt in his presence. Macdonald, turning about, and seeing Lauchlane Maclean behind him, desired the Earl to enquire at that man standing. MacLean said there was no other light but wax burnt before Macdonald. Upon this subject they discoursed until such time as the Earl of Orkney invited Macdonald to breakfast with him next morning. Macdonald invited the Earl of Orkney rather to breakfast with him, who answered, that his breakfast would be sooner ready. Macdonald said, not so. Wagers being laid, and pledges given on both sides, in the night time the Earl of Orkney sent twelve men through the town, desiring that none should dress or make meat ready for Macdonald that night, and likewise should supply him with no fuel for firing early in the morning. MacLean getting up by times next day, could get no fuel, and remembered what happened the preceding night between the Earl of Orkney and his own master; whereupon he cutt so many bows in their company, of which he made fire, and prepared a veneson breakfast. Orkney being disappointed when called to breakfast with Macdonald, and much incensed, said to Macdonald, do you think to equal or cope with me in power and authority? Macdonald said, he had a young son at home, who would be his equal and match in the full, and would undertake to harrass his country, if he himself would procure liberty from the king. The Earl of Orkney said, if Macdonald would undertake to fulfil his engagements, he would procure the king's leave. These promises being ratified, they went home. At this

time Macdonald gave the Isle of Tirie to MacLean, and sent his son Austine,<sup>1</sup> with all the young heritors of lands, to harrass the Orkney inhabitants, who expected and waited for their arrival, and had encamped in a little promontory pointing out in the sea, thinking the islanders would land there, and be defeated on their landing. But Austine took another course ; for there was another point directly opposite to that, in which the people of Orkney were encamped, separated by a long arm of the sea ; here he landed his men. The Orcadians had to go round the head of this bay before they could come at their enemies. At first they came on furiously, but being as bravely resisted, they fell back in confusion, on which a great slaughter ensued, for the common people there are said to be no great warriors, whatever their gentry are. One of their best soldiers, called Gibbon, was killed. The Earl of Orkney himself was killed, single hand, by one of William MacLeod of Harris's men, called Murdo MacCotter, who was afterwards MacLean's ensign-bearer. Having routed the enemy, Austin and his party began to ravage the country, that being the only reward they had for their pains and fatigue ; with which having loaded their galleys, returned home. Austine having halted at Caithness, he got a son by the Crowner of Caithness's<sup>2</sup> daughter, of the name of Gun, which at that time was a very flourishing name there, descended of the Danes. This son was called Donald Gallich, being brought up in that country in his younger years ; for the ancient Scots, until this day, call the county of Caithness Gallibh. Alexander of the Isles afterwards went to Edinburgh, fearing no mischance. At that time there happened to be a Spanish gentleman-traveller in town, of whom after he returned to his own country, it was asked what was the greatest wonder he had seen in Scotland ? He said it was a grand man, called Macdonald, with a great train of men after him, and that he was called neither Duke nor Marquis. At the time, how-

<sup>1</sup> Gregory gives the date as 1460.—*History*, p. 60, footnote.

<sup>2</sup> He was known in Gaelic as Am Brastaich Mohr, because of a brooch which he wore in token of his office.



ever, he was made prisoner by the king, and sent to Tantallon. His mother was secured, and sent to Milcollum's Inch. The king proposed he should hold of him. Macdonald replied, that what rights his grandfather got from the king, when he married his daughter, he was willing to renew, with what he had on the continent, which was holden of the Crown of Scotland ; but as for the Isles, he held them of the Crown of Denmark ; yet he was as ready to assist the king with his men and fortune against the invasion of strangers, or any other peril that would threaten his majesty, as any subject in the kingdom. Yet (this) could not satisfy the envy and malice of those who stood in opposition to Macdonald, his power and grandeur being the only thing pernicious to his cause, to which his correspondence with the Douglasses, Hamiltons, and Lindsays, did not help a little, these being the greatest pillars and the most dangerous to be offended of any in the nation. These inconsiderate writers who affirm that Macdonald was a traitor, do not demonstrate what his treason was ; for the king can make any subject a traitor at pleasure, he being the law. Indeed, every opposition against him is rebellion, and rebellion is treason. We know and read of many kings who pronounced their subjects traitors on purpose to come to their estates. Alexander of the Isles proposed to refer the decision of the controversy about the Isles to the arbitration of foreign princes. The king said, as he was a subject, he would not refer the decision of the cause to any other prince. There is nothing for the subject, in such a case, to be done, but to pray to God that he would relent the king's heart to mercy, and to remain patient in hopes his successors may be more merciful. There are few subjects, who see themselves in any power or capacity when they are brought to the brink of destruction by mere oppression, but will go all the lengths they can for their own defence, and either lose all or win all their estates. In the meantime, the king sent John <sup>1</sup> Campbell, to know if John More of Kintyre, Macdonald's

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<sup>1</sup> Apparently a mistake for James.

uncle, would send to take all his nephew's lands ; but it was a trap laid to weaken them that they might be the more easily conquered. James Campbell sent a man with a message to John of Kintyre, desiring him to meet him at a point called Ard-du with some prudent gentlemen, and that he had matters of consequence from the king to be imparted to him. John came to the place appointed with a small retinue, but James Campbell with a very great train, and told of the king's intentions of granting him all the lands possessed by Macdonald, conditionally he would, if he held of him and serve him. John said he did not know wherein his nephew wronged the king, and that his nephew was as deserving of his rights as he could be, and that he would not accept of those lands, nor serve for them, till his nephew would be set at liberty ; and that his nephew himself was as nearly related to the king as he could be. James Campbell, hearing the answer, said that he was the king's prisoner. John made all the resistance he could, till, over-powered by numbers, he was killed. His death made a great noise through the kingdom, particularly among the faction in opposition to the king, viz. the Hamiltons, Douglasses, and Lindsays. The king at last being much ashamed of what had happened, he pursued James Campbell as the murderer ; and although Campbell protested he had the king's authority for so doing, yet the king denied having given any other orders than that of apprehending him, if he would not come into the terms proposed to him ; and because Campbell had no written order from the king to produce in his defence, he was taken and beheaded, which shews the dangerous consequences of undertaking such a service without due circumspection. All those about the king wished to impair Macdonald's estate and diminish his grandeur, to which the king himself was not very averse. They thought it now a convenient time, Macdonald being in prison and his uncle dead, to seize on the lands of Lochaber. Whereupon Alexander Earl of Marr, having received a grant of those lands from the king, did levy a great army by the king's directions, viz. Huntley, Allan Lord Caith-



ness, Fraser of Lovat, MacIntosh, MacKay of Strathnavern, the Grants, the Chief of the Camerons, who enticed the rest of Macdonald's vassals, by making them great promises to join with them, and that the rights they formerly held of Macdonald would be confirmed to them by the king. The vassals and freeholders looking upon Macdonald's power as altogether gone and ruined, and believing they would never more see them installed in their possessions, thro' greed and covetousness joined the king's party. So, coming to Lochabber, they pitched their tents near the Castle of Inverlochy. Fraser of Lovat was sent to harass the country of Sunort and Ardnamurchan with 3000 men, for provision for the army and camp. Macdonald had got information hereof, and finding an opportunity, sent a message from Tantallan to the Highlands, desiring all those whom he trusted most to face the enemy, though they would never see a sight of him. So Donald Ballich, his cousin-german, (John More's son being at this time but 18 years of age), being fostered by MacLean, gathered all those who faithfully adhered to Macdonald's interest, came to Carna, an Island in Loch Sunart, where meeting with the Laird of Ardnamurchan, Allan, son to Allan of Muidort, and his brother Ranald Bain, for these were the most principal men of the name, who were with them, picked out the best of their men, to the number of 600, mostly gentlemen and freeholders, and came in their galleys to Inver-shippinish, two miles south of Inverlochy.<sup>1</sup> Now Alister Carrick, Macdonald's younger uncle, held the lands of Lochabber, east of Lochy, and whose posterity are yet there, took possession of the hill above the enemy, with 220 archers being unable, by the smallness of his number, to face them, but expected that some of his friends would at last come to his relief. Upon seeing his nephew, Donald Ballich, he was much animated. Now, as Donald Ballich drew near, Lord Huntly stepped into the Earl of Marr's tent, where he and MacIntosh were playing cards. Huntly desired them to lay up their cards, for their enemys were

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<sup>1</sup> 1431.

near hand. They asked if they were numerous. Huntly answered, they were not very numerous, but he understood by them, they were bent on fighting. Well said MacIntosh, we'll play this game, and dispute with these fellows afterwards. So, Huntly looked out again, and saw the enemy driving on furiously towards them : he goes a second time to the tent, saying, gentlemen, fight stoutly, or render yourselves to your enemies. MacIntosh replied, they would play that game, and would do with the enemy what they pleased ; that he knew very well the doings of the big-bellied carles of the Isles. Whatever they be, said Huntly, they will fight like men this day. MacIntosh said, that tho' he himself should assist them, their party would defeat them both. Huntly in a rage went out, and said he would fight none against them that day, so drew his men to a side by themselves, and was rather a spectator than of either party. Then joining battle, Donald Ballich made a main battle and a front of his men. The front was commanded by MacEan of Ardnamurchan, and John MacLean of Coll ; the main battle by Ranald Bain, son of the foresaid John More, killed by James Campbell, a natural son of Donald Ballich being progenitor of the family of Largy, and Allan, son to Allan, Laird of Muidart, of whom descended the ancient family of Knoydart, and MacDuffec of Colonsay, and MacQuire of Ulva, and MacGee of the Rinds of Isla. As they faced one another, Alexander aforesaid came down the brae with the 220 archers, and shot their arrows so thick on the flank of the earl's army, as to force them to give ground. Allan Lord Caithness was killed, a son of Lovat, and 990 men. Hugh Mackay of Strathnavern was taken, who married thereafter a daughter of Alexander Macdonald of Keppoch, of whom descended the race of MacKays, called Slioc Ean Abrich. On Donald Ballich's side was lost 27 men. The Earl of Marr was wounded in the thigh by an arrow, and was in the hills, accompanied only by his servant, for two nights, in a starving condition, they having no victuals. At last he fell in with some women, who were looking after cattle, who happened to have a little barley meal for their own

use, with which they relieved the Earl and his servant, mixing it with a little water in the heel of the earl's own shoe. After he and servant had satisfied their hunger, he composed the following verse in Gaelic :—

‘Sma an coch dira an Pacris smeirg a ni taleuis air biadh  
Fuarag oirne a sail mo bhroige biadh is fear a huair mi riamh.’<sup>1</sup>

The earl gave his own clothes to the woman, that he might disguise himself, and travelled in the night time till he came to a little house belonging to a poor man, on a spot of land called Beggich, who was an Irishman, by name Obirrin; that he was one of the Earl of Marr's followers, and that necessity obliged him to disguise himself for fear of being known. The poor man got a cow from the camp, and beginning to slaughter it, desired his guest, as he termed him, to hold the cow. The earl was more willing to obey his landlord's orders than skillfull to act as butcher. The landlord, not pleased with any assistance that he gave him, cursed those who took such a blockhead abroad to be a soldier. At last he cut out some collops, of which he gave some to the earl to dress for himself, which the earl could not very well do, until his landlord did it for him, by roasting them upon the coals. At going to bed, he washed the earl's feet in warm water, cleaned and washed his wound. When the earl laid himself down, he could not sleep with cold, being very scarce of bed clothes. Obirrin got up, took the cow's hide, and warming it to the fire, wrapped it about the earl, which warmed him so much, that he perspired during the whole night. In the morning, after such refreshment as they had, the earl said he would go to Badernoch. Obirrin asked if he knew the way, who answered in the negative, but would do his best to get there. Obirrin desired him to take some flesh in his pocket, and went himself three or four miles, to shew him the way. As they were about to part, the earl desired him, if his case thereafter should be low, he should remember to go to Killdrummin, the Earl of Marr's seat, and ask for Alexander Stewart, and that he would cause the Earl of Marr reward,

<sup>1</sup> See Nicolson's *Gaelic Proverbs*, p. 272; also *Waifs and Strays of Celtic Tradition*, i. p. 77, where the lines are attributed to Robert Bruce.

him for his good offices to him. It happened in process of time, that Obirrin was reduced to a very low situation, went to Kildrummin, and knocking at the gate, the porter asked what he was, or what he wanted. Obirrin said that he wanted to speak to Alexander Stewart. The porter said he was a fool, there was no such man there; but Obirrin continued to knock till the Earl of Marr heard him, and calling to the porter, asked who it was that stood knocking at the gate. The porter replied, that he was some fool enquiring for Alexander Stewart. The earl, musing a little, starts up, and looking stedfastly at the man, presently knew him to be Obirrin, causing the gate to be opened to him, and kindly embraced him. Being come in, he composed to him the following verse in Gaelic:—

‘Oiche dho bhi an’theach air mhoran bidhidh is air bheag  
idich

Huaris sadh mhor do dh’foil air droch bhrich uadh Obirrin  
sa Bhaggech.’

Immediately the earl sent for a taylor, and ordered a suit of clothes to be made for Obirrin. He desired Obirrin also to bring his wife and son to Kildrummin, but he told the earl that his wife was old, and would not be prevailed on to leave her native country. The earl having entertained Obirrin at Kildrummin for some time, sent him home, with sixty milch cows, enjoyning him to send his son; who came sometime thereafter, and was made a laird of a small estate, which has fallen since to a gentleman of the name of Forbes, whereby it may be seen, that a good turn to a generous or noble person is not always lost. Now Macdonald, being liberated from Tantallen, came to Angus, by the mediation of Douglas, and Lord Hamilton, Crawford, and many other noblemen. He knew very well that he was rather confined and secured for his greatness, than for any other crime laid to his charge, and that his liberty was owing not only to the intercession of the above mentioned noblemen, but likewise to the disturbances which were feared from the rest of his clan. Those partial writers who say that Donald’s head was sent to the king from Ireland, never were at the trouble to examine into the reality of



what they advanced. For Donald Ballich was then but 18 years of age at most, and it was five years thereafter that he married Conn O'Neill's daughter, who was of the Clan-Buys in Ireland, by whom he had all his children. It is of him that most of the Macdonalds in the south are descended, as those of Antrim, Sanay, etc. Besides that, he had as strong a country as any in Ireland, to protect him from the pursuit of his enemies, the seven proportions of the glens being his property ; at the same time, he was much more beloved in Ireland than the King of Scots, for generally those Irish who were not very obedient to the Crown of England, cared very little for that of Scotland ; and his own tribe and kindred were so strong, that none durst undertake the beheading of him. Those likewise who say that the king came to Dunstaffnage after the battle of Inverlochy, and that 300 of Donald Ballich's followers were executed, are very much mistaken ; for no such thing ever happened, and none of them were ever missed, or as much as lamented in the isles, or in any other place. Besides, they had their choice, in case of being pursued, either to betake themselves to the hills, or to go to Ireland. That Donald Ballich died after another manner can be proved by four contemporary writers, who say that he died on an inch in a loch in his own country, called Lochdunord. After the death of King James, Macdonald being set at liberty, as above mentioned, was very wroth that the king disposed of the lands of Lochabber to Huntly, which were formerly his, and which were possessed by his predecessors for a long time back. Lawyers, on the other side, pleaded, that as these lands were his uncle Alexander's patrimony, they were forfeited for his rebellion, he having fought against the king's party at Inverlochy. Macdonald said, that what he had done was only in his just defence, the king having unjustly assigned these lands to the Earl of Marr, which were given by King Robert Bruce to his predecessors after the forfeiture of the Cummins, and afterwards confirmed to them by King Robert the Second. How could MacIntosh claim the lands of Glenroy, which he held of the Lord of the Isles,

for his services in the battle of Harlaw, where he fought against the king's or regent's party, Macdonald himself having forfeited (by way of argument) his right to them by his conduct there? Yet the king, after Macdonald's resignation to him, confirmed all the rights granted formerly by Macdonald to all the vassals and freeholders under him; from which may plainly be understood, that Macdonald was only envied and hated for his greatness and power, and not for any treason or guilt committed by him. After all this, Macdonald went with 3000 men to the king to the siege of Roxburgh, who was very well pleased at his arrival. Yet it was impossible to satisfy the humour of the king, or the caprice of the courtiers, or to convince them that Macdonald would still join with the Douglasses, Hamiltons, and Lindsays, after he was relieved from his last captivity. Afterwards, when he came home to Aros in Mull, he held a great feast, to which most of the Islanders, and many of the Mainland people, resorted. One John Macdonald, tutor to Roderick his nephew, Laird of Mudort, and Maclean and some other gentlemen conversing, MacLean kept silent for a time; at which John Macdonald asked the reason of his silence? He replied, he had no occasion to speak. The tutor said, he knew very well MacLean's office was to set the Macdonalds in order to-morrow at dinner, and that he should see all the principal men there placed according to their rank and station; but if MacLean would give him a black hound he had, he would supply his place the next day. MacLean consented to this, and gave the hound. At dinner time next day, John stood at the end of Macdonald's table, and desired the Laird of Ardnamurchan to sit down. This family, indeed, might claim to be lords since King David Bruce's time; but the old Scots were careless of their prerogatives. Then he desired MacFinnon and MacQuire to sit, for MacQuire was an ancient Thane. Then desired Beaton, the principal physician, then MacMurrich, the poet, to take their seats. Now, saith he, I am the oldest and best of your surnames here present, and will sit down; as for these fellows who have raised up their heads of late, and are upstarts, whose pedigree we know



not, nor even they themselves, let them sit as they please. MacLean, MacLeod of Harris, and MacNeill of Barra, went out in a rage, and very much discontented. MacLeod of Lewis remained within; the other three were determined, as soon as an opportunity offered, to be fully revenged of John Macdonald for the affront, as they thought, he had given. After this, MacLeod of Harris and the family of Mudort were never intimate or in good terms. MacLeod of Harris, upon his return home, ravaged and plundered the families and Isles belonging to Mudort, which was revenged by that family. Thereafter John was made prisoner by the MacLeods, and lost his sight during his confinement at Dunvegan, and was thereafter called John Daul, or Blind. He wanted his sight for a whole year before it was known. Concerning this Macdonald in Ross, of whom some were pleased to write, many things were omitted for want of information, which ought to have been mentioned. None can justify the actions laid to his charge. Although the Macdonalds might be as guilty as any others, yet they never could expect common justice to be done them by a Lowland writer. But he that committed the fact was a cousin-german of John Macdonald, of whom we spoke lately, being the natural son of Dugall, the son of Ranald. His chief being in Isla, he went with a set of loose fellows to Ross, as often the custom then was with the Highlanders. It was this man that injured the widow, and if he had not been apprehended before his chief's return from Isla, he would have hanged him, together with all his followers. After this, Alexander Lord of the Isles sought to punish his vassals, and those who fought against him at the battle of Inverlochy, as MacIntosh, the chief of the Camerons, MacLean, etc. With that intention, he came with a strong party through Lochabber, Badenoch, and the Braes of Murray, partly to chastise his vassals, and partly to support the faction of the Douglasses, Hamiltons, and Lindsays. The chief of the Camerons fled to Ireland, and the verses sent by Cameron from that place, composed to Macdonald during his exile, are still extant, and Macdonald's answer to these verses. At this time, Macdonald

gave to the Laird of Coll a right of the 40 pounds lands of Locheill, and gave Largey to Ranald Bain, for his active and faithful services at Inverlochy battle, for it was none of John More's patrimony. At last he went to Ireland, where he died,<sup>1</sup> and was buried with great funeral pomp, leaving only two sons, who came to manhood, Austin and John, who succeeded him. John<sup>2</sup> succeeded his father, a meek, modest man, brought up at court in his younger years, and a scholar, more fit to be a churchman than to command so many irregular tribes of people. He endeavoured, however, still to keep them in their allegiance, by bestowing gifts on some, and promoting others with lands and possessions; by this he became prodigal and very expensive. He had a natural son, begotten of MacDuffee of Colonsay's daughter, and Angus Ogg, his legitimate son by the Earl of Angus's daughter.<sup>3</sup> He gave the lands of Morvairn to MacLean, and many of his lands in the north to others, judging by these means to make them more faithful to him than they were to his father. His son, Angus Ogg, being a bold, forward man, and high-minded, observing that his father very much diminished his rents by his prodigality, thought to deprive him of all management and authority. Many followers adhered to him. His father being at Isla, he went after him with a great party, forced him to change seven rooms to lodge in, and at last to take his bed, during the whole of the night, under an old boat. When he returned to his house in the morning, he found his son sitting with a great croud about him. MacFinnon rising up, desired Macdonald to sit down;

<sup>1</sup> He is generally said to have died at Dingwall, and was buried in the Chanonry of Ross on 8th May 1449 (*Chronicle of the Earls of Ross*, p. 10).

<sup>2</sup> He was fifteen years of age when he succeeded, and was therefore born in 1434 (*Exchequer Rolls*, vol. v. xcii.).

<sup>3</sup> John is here confused with his father, Alexander, Lord of the Isles, who was the father also of Hugh of Sleat and Celestine of Lochalsh. John's only known wife was Elizabeth Livingstone, and by her he had no issue. According to the *Auchinleck Chronicle* (p. 44) he was, while a boy of sixteen, partly coerced, partly cajoled into this marriage by King James II. See also *ante*, p. 35, and Mackay's *Glenurquhart and Glenmoriston*, p. 44. He had two natural sons: John, who predeceased him, and Angus.

who answered, that he would not sit down till he would execute his intention, which was to curse his son. So, leaving Isla with only six men, he went to the mainland and to Inverary, and having waited without till one of the Argyle gentlemen came forth in the morning, who, observing Macdonald, went in immediately, and told Argyle of the matter, who could scarcely believe him, saying, if he was there, he would certainly send some person to inform him before hand. With that he started up, and going out, finds Macdonald, and having saluted him, and brought him in, he said, I do not wonder at your coming here ; but I am surprised you did not warn me before your arrival, and that your retinue is so small. That is little, said Macdonald, to the revolutions of the times, and thou shalt be the better of my coming ; and so, after dinner, he bestowed on him the lands of Knapdale Rilisleter, from the river Add to the Fox-burn in Kintyre, 400 merks lands, and desired Argyle to convey him to Stirling, where the king was at that time, and for his son's disobedience, he would resign all his estates to the king. So they went to Stirling, and from thence to Air, in company with the king, when John resigned all into his hands, excepting the barony of Kinloss in Murray, of Kinnaird in Buchan, and of Cairndonald, in the west, which he retained to support his own grandeur, during his lifetime. Angus Ogg Macdonald, his son, followed his former courses, came to Inverness, and demolished the castle. When his brother Austin saw how matters went on, and that John had resigned all to the king, he goes to Edinburgh, and takes his charters from the king for all his patrimony which his father and mother bestowed on him formerly, in favor of his heirs-male, legitimate or illegitimate;<sup>1</sup> which patrimony consisted of North Uist, the parish of Hough in South Uist, Canna, Benbicula, Slate, Trotternish, and Lochbroom. But Angus Ogg, his nephew, continuing his former pre-

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<sup>1</sup> The reference is to a crown charter, dated 10th November 1495, confirming a charter by John de Yle, Earl of Ross and Lord of the Isles, to his brother Hugo Alexandri de Insulis, bearing to be dated at Aros, 28th June 1409 (*sic*). It is printed *post*, p. 96.

tensions, resolved not to surrender any of his father's lands to the king, or to his father himself. The Earl of Athole was ordered with a party against him. He joined others in the north, who had the same injunctions from the king, viz. the Mackays, Mackenzie, the Brodies, some of the Frasers and Rosses. Angus Ogg came from Isla and Kintyre to the west, and raising some of his own name, viz. :—Alexander Macdonald of the Braes of Lochaber, John of Glengarry, the Laird of Knoydort, and some of the Islanders, he goes to Ross, where, meeting Athole and his party near Lagebread, he gave them a defeat, killing 517 of their army. Mackay was made prisoner; Athole and Mackenzie made their escape. The Earl of Crawford afterwards was ordered by the king to go to sea, and Huntly with a party to go by land, to harass and discourage Angus Ogg's adherents; but neither of them executed their orders. Argyle and Athole were sent to the Islanders, desiring them to hold of the king, and abandon Angus Ogg, and that the king would grant them the same rights they had formerly from Macdonald. This offer was accepted by severals. But when the Macdonalds, and heads of their families, saw that their chief and family was to be sunk, they began to look up to Angus Ogg, the young lord. About this time Austin, his uncle, died, and was buried in Sand in North Uist. The Lords and principal men in the Isles gathered together in the Sound of Mull, and Angus Ogg, after an interview with his father, Argyle, and the Earl of Athol, was on the north side of Ardnamurchan with his men detained by bad weather for the space of five whole weeks, and in very great want of provisions; at last, the weather changing, he got round the Point. In the meantime, the Laird of Ardgour, coming through the Sound, and perceiving Macdonald and his party, displayed his colours in his galley, which Macdonald took for Maclean's; upon which he steered directly towards him. They on the other side left their own harbour to the relief of Ardgour, such as Maclean, William Macleod of Harris, and Macneill of Barra; the rest of the faction, seeing themselves in danger at least of losing their



galleys, thought best to enter their harbour. Macdonald coming on as swiftly as he could, accompanied by Donald Gallich of Sleat, Austin's son, and Ranald Bain, Laird of Mudort's eldest son, the last of whom grappled side to side with Macleod of Harris's galley. There was one called Edmond More Obrian along with Ranald Bain, who thrust the blade of an oar in below the sternpost of Macleod's galley, between it and the rudder, which prevented the galley from being steered. The galley of the heir of Torkill of the Lewis, with all his men, was taken, and himself mortally wounded with two arrows, whereof he died soon after at Dunvegan. Angus Ogg and Allan Laird of Mudort attacked Macleod, and took him prisoner, with a great slaughter of his men. Angus Ogg would have hanged Maclean immediately had he not been prevented by the Laird of Mudort saying, he would have none to bicker with if Maclean was gone. Sometime thereafter, giving his oath of fidelity, he was pardoned. Macneill of Barra made his escape about Coll, and three galleys in pursuit of him. After this conflict, the Earl of Athole, being provided with boats by Argyle, crossed over privately to Isla, where Angus Ogg's lady, daughter of Argyle, was, and apprehended Donald Du, or 'the Black,' a child of three years of age, and committed him prisoner to Inch Chonnill,<sup>1</sup> so called from the builder, Connil, son of the first Dougall of Lorn, where he remained in custody until his hair got grey. Yet Angus Ogg, Donald Du's father, was still advised by the Earl of Angus and Hamilton to hold out and maintain his rights. After this, John of the Isles gave up to the king all these lands which he formerly held back for the support of his grandeur, and betook himself to the fraternity of Paisley, where he lived a monasterial life for two years previous to his death.<sup>2</sup> He ordered, when on

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<sup>1</sup> A stronghold of the Campbells on an island in Loch Awe.

<sup>2</sup> He is generally said to have been forfeited, but no official record of such forfeiture exists, and the evidence is not conclusive; vide *Act. Dom. Audit.*, 14th June 1493. He seems to have been a good deal at court, and the royal accounts contain numerous entries of the expenses of himself and his servants. King James IV. was at Dundee from 4th to 10th January 1502-3. John of the Isles, who was there also, took ill and died. A payment was made on 10th January



his death-bed, himself to be buried a-side King Robert. Sometime thereafter, Angus Ogg went to Athol, apprehended the earl, and imprisoned him in Isla for a year. Some writers affirm that he pillaged and burnt a church in Athole, where he apprehended the earl, where he took sanctuary, and that, in consequence of this, he sometime thereafter got mad, which is absolutely false, and advanced only by those who had no good will to the Macdonalds; yet he made no apology for him. If we search antiquaries, we will find few names in Scotland that mortified more lands to the church than the Macdonalds did. However, I cannot deny but his father's curse seems to have lighted on this man. He took a journey south, where he killed many of the Macalisters in Arran, and also of his own name, for seizing and intromitting with some of his lands without his consent. Returning through Argyle and Lochaber, he came to Inverness. Mackenzie was like to be killed, or at least banished, by Macdonald, because he was always against him, contriving all the mischiefs he could, least, upon recovering his own, he would deprive Mackenzie of these lands which he held of the king. There was another circumstance which shortened Macdonald's days, viz. there was a lady of the name of Macleod, daughter of Rory, surnamed the Black, who was tutor to the lawful heir of the Lewis, married to the Laird of Muidort. The tutor, her father, being resolved not to acknowledge, by any means, the true heir of the Lewis, and engross the whole to himself, was displaced by Macdonald, and the rightful heir put in possession. This lady having a spite at Macdonald for dispossessing her father, together with John

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to 'Johne of Ilis liand seik in Dundee' (*Treasurer's Accounts*, vol. ii. p. 354). and on 5th February money was remitted to Dundee to pay for 'Johne of Ilis furthbringing and berying and to lous his gere' (*ibid.*, p. 357). The authors of *The Clan Donald*, after giving the date of his death as 1498, thus interpret these facts: 'At last we find him falling sick in Dundee, where he dies in an obscure lodging-house; and the sums due to his landlady, and the expenses of his "furthbringing," are charged to the Scottish Treasury. All this is quite consistent with the tradition that his remains were buried at his own request in the tomb of his ancestor Robert II. in the ancient Abbey of Paisley' (vol. i. p. 282). It may be mentioned incidentally that the tomb of Robert II. is not at Paisley but at Scone.

Mackenzie, contrived his death in the following manner : There was an Irish harper of the name of Art O'Carby, of the county of Monaghan in Ireland, who was often at Macdonald's, and falling in love with Mackenzie's daughter, became almost mad in his amours. Mackenzie seeing him in that mood, promised him his daughter, provided he would put Macdonald to death, and made him swear never to reveal the secret. The fellow being afterwards in his cups, and playing upon his harp, used to sing the following verse, composed by himself in the Irish language :—

‘ Tanmin do dhia a mharcruich neich crichd Bhalbhrichtd  
Gu bheil tanmin an cansiort mata puinsuin an Gallfit ’;

meaning, that the rider of the dapple horse was in danger of his life, (for Macdonald always rode such a one,) if there was poison in his long knife, which he called Gallfit. As Macdonald went to bed one night, there was none in the room along with him but John Cameron, brother to Ewan, Laird of Locheill, and Macmurrich the poet. This John had some rights from Macdonald of the lands of Mammore in Lochabber, written the day before, but not signed by Macdonald. The harper rose in the night-time, when he perceived Macdonald was asleep, and cut his throat, for which he was apprehended, but never confessed that he was employed by any body so to do, although there were several jewels found upon him, which were well known to have belonged formerly to Mackenzie and the lady of Muidort. The harper was drawn after horses till his limbs were torn asunder. After the death of Angus, the Islanders, and the rest of the Highlanders, were let loose, and began to shed one another's blood. Although Angus kept them in obedience while he was sole lord over them, yet upon his resignation of his rights to the king, all families, his own as well as others, gave themselves up to all sorts of cruelties, which continued for a long time thereafter. We know, and might easily prove, that the Macdonalds are accused by many ignorant and malicious writers of treasons, rebellions and such like crimes, for which they have no other grounds to go upon than that of their

magnanimity in opposing some of the king's descendants, who wished to deprive them of their natural rights, and who were greater traitors towards the Maedonalds than the Maedonalds towards them ; as any man versed in the affairs of the kingdom might easily discern. But had the law of Appenins in France been practised in Seotland as it had been there, the kingdom would have enjoyed more peace, and been at less trouble with our kings, than it generally has. There were many kings murdered in Scotland since Collan Uabhais came from Ireland, yet we could never learn to this hour that Maedonald had a hand in any of their deaths, which, if he had, it could by no means be concealed. The following kings lost their lives in this manner : Constantin the 1st, Conranos, Eugenius 8th, Fergus the 3rd, Donald the 5th, Malcolm 1st, Duffus, Culenius, Kenneth the 3d, Grimius, Maleolm 2nd, Dunean 1st, and two Jameses, 1st and 3d ; Queen Mary and her husband, with the attempts on her son ; King Charles 1st of England, with banishment of his two sons. Neither can any one say that a Maedonald ever signed that unhappy convent against Charles 1st, although few in Seotland suffered more than they did, severals of them having lost their lives and those of their followers for his sake. If any writer hereafter writes that the Maedonalds were guilty of such acts of treason, he certainly must advance what no preceding author has ventured to do. How much times are changed when men commit no treason against the king, but what is committed against the Parliament and Council. In any rebellion, the king's party are called traitors when weakest. There are few names in Scotland who have not been some time or other guilty of treason, although their names have not been eternized to posterity with infamy and disgrace, as many have attempted to do of the Maedonalds. But to return to our subject.

John of the Isles aforesaid had a base son called Gillespig,<sup>1</sup>

<sup>1</sup> *Vide ante*, p. 47, note 3. Gillespig is generally known as Celestine of Lochalsh. He was brother and not son of John, Lord of the Isles. For some mysterious reason the names Gilleasbuig, Archibald, and Celestine are regarded as synonyms.

by Macduffee of Colonsay's daughter, to whom his father left as his patrimony Slias Rittachi, the one side of Strathford in Sutherland, Lochcarron, and Lochailsh with other lands in the Braes of Ross, and the Lairdship of Kildin. In his latter years he became blind. He had a son called Alexander, and three daughters, of whom one was married to Ewan MacAllan, Chief of the Camerons; another to Chisholm of Strathglass; and the third to Mr. Robert, Earl of Sutherland's son. As Archibald was one day hunting in the Braes of Ross, having a leash of hounds in his hands, upon their scenting the deer they rushed forward and threw him against the stock of an old tree, some of the branches of which piercing his side occasioned his death. He got Alexander by his father's brother's daughter, and finding no clergyman to marry them, he cohabited with her all his lifetime against the consent of all his friends. This Alexander thought he became heir to the Earldom of Ross and the Isles upon his uncle's death Angus Ogg, his cousin-german, Donald Angus Ogg's son, being then prisoner in Inchconnil. Alexander had a natural son called Angus Roy, got in Ireland by a daughter of Ranald Bain, first Laird of Lairgy. This Angus died in Ross. He had to wife Hugh Fraser's daughter, by whom he had two sons, John Caum and Angus. Alexander was married to Lovat's daughter, by whom he had three daughters and a son called Donald Gauld.<sup>1</sup> The eldest of the daughters was first betrothed to Alexander Macdonald, son of Dugall, first Laird of Morar. Alexander of Glengarry, third Laird of that family, married first a brother's daughter of his grandfather (Angus Reavich), who was mother to Allan, of whom descended Lundy and Pitmain, who are not legitimate of that family, and having turned her off, he married the second daughter. The third was such an idiot, that she was sent to Heiskier, a remote island, lest she should be seen of strangers, to the care of a gentleman living there, a Macdonald called Donald Du Maclauchlane. Now Alexander, after the death of his uncle Angus Ogg, was infefted in his father's lands in Ross, because his father

<sup>1</sup> Donald Galda, otherwise Sir Donald of Lochalsh.



was infested there before the resignation of his grandfather : and not content with this, he bethought himself of possessing all Macdonald's lands, or, as he pretended, to hold them in tutelage for Donald Du, the son of Angus Ogg, who was detained prisoner in Incheonnill ; Gillespig Du, the wicked murderer of his brother, ruling the family of Sleat after the death of his father Austin Macdonald. Alexander, of whom we spoke above, went to Ross with a small body of the Ross people, having Alexander of Glengarry his son-in-law in company. This Alexander of Glengarry having dismissed his lawful wife, Angus Reavick's daughter, he ravished Alexander MacGillespig's daughter merely to advance his fortune, his estate at that time being very small, possessing only the plain side of Glengarry, his cousin-german the offspring of Angus having the rugged side. Laggan Achadrom was one of the first holdings that Mackenzie had. Abertarf belonged of right to the Frasers. At that time the lands of Knoidart did not belong to him, for they were possessed by a younger branch of the family of Muidort. Alexander, as I mentioned above, going to Ross, many men gathered to him from the Isles and adjacent country. Alexander of Keppoch was going to his aid with 240 men, but young Mackenzie gathered together a number of Ross people, and that of the north, particularly such as held Macdonald's lands, at that time of the king ; he had commission to oppose Alexander, in case he aimed to regain Macdonald's lands, and fearing for himself to have those whom he formerly offended as his neighbours, he got all those who then held of the king to join him. Alexander thought that Mackenzie would by no means venture to attack him, but Mackenzie knowing that if Alexander obtained any kind of superiority or advantage over him, that he would be reduced to a very low condition, became desperate in the attempt, and surprised Alexander and his people while in their beds resting in security and safety as they thought in Park. Their confusion became so great, that more were drowned in the river Connill<sup>1</sup> than killed ; 43 perished in all, but when Keppoch arrived with

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<sup>1</sup> Conon.



his men, he plundered Mackenzie's lands, who at that time kept the fort of the Island Donn. Alexander MacGillespie joining afterwards, came south to Collonsay to raise more men to recover his lands in Ross, but was, contrary to humanity or justice, killed by John Brayoch MacEan of Ardnamurchan and Alexander Macdonald of Isla and Kintyre, at Oronsay, being then well stricken in years. The reason assigned for this was, that if he possessed Macdonald's ancient heritage, he would without doubt lessen those estates which they possessed at that time. Now Donald Gauld, Alexander MacGillespie's son, was in a very low condition; he had a dauvich of lands from his uncle Lovat. He gathered a great many necessities, such as seed, etc., among the best men in Ross, for his being a great man's son. There was a common fellow in his company, Paul, who gathered together his thigging in Ross. This man asked Donald Gauld what he meant to do with all the trash he was gathering? Donald Gauld answered, That mean and low as that was, he could do no better, and as it was God's will to reduce him to that low and despondent state, he ought to be content. Then, says Paul, if you will be advised by me, you will sell all your seed and thigging, for you will never raise yourself to any notice or respect by continuing a farmer; therefore, it is your interest to make money of all you have gathered, and hire as many men therewith as you can, to apprehend, in the first place, the Laird of Raisay, being the weakest and least powerful of all the island Lairds, and after succeeding in this, you can act according to circumstances. This advice being followed, they came to the Isles, apprehended Raisay, to whom they communicated their intentions. Raisay goes along with them to the Lewis, and remained that night within the Castle of MacLeod of the Lewis. After that, Raisay had a consultation with his chief, the Laird of Lewis. It happened that night that a great many whales ran ashore in the Bay of Stornoway. MacLeod in the morning goes out to behold the diversion, and to kill them with broad swords. Donald Gauld and his company go out likewise. Raisay advised Donald Gauld, when

MacLeod began to strike at the whales, to keep close at his heels to assist him ; to which advice Donald invariably adhered. MacLeod having gone home, asked what that young man was who assisted him in killing the whales. Being informed he was Donald Gauld, MacLeod said, that it was reasonable and proper that he should be assisted to some honour and preferment. After this, MacLeod of the Lewis, and some others of the Islanders, held a meeting at Kyleakin. Alexander of Kintyre came there for Donald Gruamach,<sup>1</sup> son of Donald Gallick, to make him Lord of the Isles, and imparted his sentiments on the subject to MacLeod. MacLeod said he was willing that Donald Gruamach should be made Lord of the Isles, and that he was nearer related to him than Donald Gauld. Alexander of Kintyre had a double meaning in this offer. He well knew it did not belong to himself by right, and had a greater respect for Donald Gruamach, who had a greater right to that title, than for Donald Gauld, who, according to his opinion, was not so fit for the place, either by his actions or friendship ; besides, he did not wish to prefer Donald Gauld, he himself having a hand in his father's murder. Upon this, MacLeod spoke to Donald Gruamach upon this subject, who answered, that it was a cause not very easily carried through ; that he doubted much the loyalty of the Islanders ; and that he would no ways have a hand in that affair so long as Donald Du, Angus Ogg's son, was alive. Alexander of Kintyre undertook this journey to create Donald Gruamach Lord of the Isles, fearing that if Donald Gauld succeeded he would revenge his father's death, of which he was a partaker. This Alexander of Kintyre being married to John of Ardnamurchan's daughter, was easily induced by his father-in-law to stand as heir, and to look for great honour and preferment, if Alexander MacGillespig was cut off. John of Ardnamurchan's purpose was to set them by the ears, in case he himself might get some of their lands to purchase. Donald Gruamach rejecting the offer made him of being

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<sup>1</sup> Of Sleat, *vide post*, p. 69.

created Lord of the Isles, the MacLeods thought to make Donald Gauld Lord of them. With this intention going to Morveirn, where they met Maclean, Alexander of Kintyre being also in company, comporting with the times, because he formerly told his mind to these men, they proclaimed Donald Gauld Lord of the Isles. When Brayach of Ardnamurchan was desired to compear, Maclean sent him a private message not to come, to which he paid no attention, but appeared, and was paid the same deference as any of the rest. As he sat in the tent, his son, John Sunoirtich, expressed his surprise that all the gentry of the Isles were called to Macdonald's tent, and he not treated as the rest. His father observed, it was his own fault, by having a hand in Donald's father's death. His son said, if his advice was followed, they would attack Macdonald's tent ; but his father said, they were too weak against Donald Gauld's party. In the meantime, he ordered one of his men to look to the shore, and see if his galley was afloat ; upon this there came a black sheep into the tent, and the person sent to see the galley came back with a salmon fish wanting an eye, telling him his boat was not afloat. John Brayach asked what was the place's name in which they were ? Being answered it was called Ballepaig, he said that three things had come to pass, of which the old woman who nursed him desired him to be aware, viz.—The black sheep, the salmon with one eye, and Ballepaig, wherein she warned him never to remain a night ; and now, said he, the last period of my life must certainly be at hand. At that very moment one rushed out of Donald Gauld's tent, crying out, Kill, and do not spare the MacEeans ; which commands were instantly obeyed. MacEan fled for the space of a mile, but was overtaken by Mr. Allan Morison, and killed by the Laird of Raisay. His son John was killed, together with a young son called Angus ; in short, all of them that could be taken. This happened at a place called Craiganairgid.<sup>1</sup> In the evening thereafter, Alexander of Kintyre observing that the death

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<sup>1</sup> In 1519.

of Donald's father was amply revenged, because it was John of Ardnamurchan that apprehended him; but Donald Gauld said that his father's death was not yet fully revenged, while Alexander, who was equally guilty with John Brayach, was in life. Alexander hearing this, slipt away privately in the night time, and left them. Donald Gauld after this went to Tyree, and died in the Inch of Teinlipcil, five weeks after he was proclaimed Lord of the Isles.<sup>1</sup> Alexander of Kintyre and his two sons, one of whom was called John Cathanach, were afterwards by the King's orders hanged at the Borrowmuir, near Edinburgh, because after the resignation of John of the Isles, they neither would take their rights from the King, nor deliver up to him these lands which Macdonald had in Isla and Kintyre. Now all the offspring of John Lord of the Isles legitimate or illegitimate being extinct, we must of course return to Austin son of Alexander Earl of Ross, and the only brother of the said John Lord of the Isles. This Austin being contemporary with King James the Third upon his brother's resignation of his rights, took his Charters likewise from the King of all the patrimony wherewith his father provided him, and that also by the consent of his brother viz. :—North Uist, the Parish of Hough in South Uist, Benbicula, Canna, Trotternish, Sleat and Lochbroom. He was bound by his father's Will not to marry but by the consent of twelve of the principal men of his name and the Heritors of the Isles.<sup>2</sup> He was obliged by his Charters from the King to have planting. Cotemporary with him of his own name was Allan Laird of Muidort, who then possessed the lands of Hough Benbicula, Canna, which he had to that time from the time of Ranald his great grandfather, the first Laird of Muidort. These lands were Godfrèy's patrimony, who was son to John Lord of the Isles as related above,<sup>3</sup> and was older than Ranald his brother. But upon his father's and Godfrey's death, Ranald became tutor to Donald Lord of the Isles and to

<sup>1</sup> According to MacVurich he died at Carneburg.

<sup>2</sup> *Vide ante*, p. 48 and note. This curious charter is printed *post*, p. 96.

<sup>3</sup> *Vide ante*, p. 25.



Godfrey's children when Donald succeeded to the Lordship of the Isles, leaving no children but Alexander and none of Godfrey's offspring being anywise qualified to succeed their father he would not trouble the issue of Ranald about these lands until Alexander granted them to Austin's son. But Allan Laird of Muidort opposed Austin so far that he was necessitated to apprehend him and carry him where the Lord of the Isles lived and render up the lands to his Chief; yet they never were of any profit to Austin's posterity for the lands of Muidort always kept possession of them tho' contrary to right; neither had they any legal title to their other holdings till King Charles the Second's time. Cotemporary was John Cathanach grandchild of Donald Ballach formerly mentioned, who when the Chief John resigned his right to the King would not give up Isla nor accept of Charters from the King; at which time John Brayach MacEan of Ardnamurchan (being a natural son of the former McEan by Eve daughter of Lachlan Mac-Illemhool) acted as tutor to his uncle Donald Roy MacEan's children and slighting them, after they came to their majority, and seized upon their lands to himself being a bold intrepid man, and not altogether sound in his intellects alledging that he was descended of Sommerled, who was an elder brother than Ranald of whom the rest of the Macdonalds descended they being both sons of the first Sommerled yet it is most certain that John, son of the last Sommerled resigned all his interest to his cousin german Donald for aiding him in the conquest of Ardnamurchan. Reginald was infefted in the lands of Isla and Mull and Sommerled had the land of Argyle allotted to him by his father. This moved John Brayach who was first married to Argyle's and again to the Tainisdair of Muidort's daughter to undertake by the instigation of Argyle and Glencairn to surprise John Cathanach. So coming to Islay he surprised himself and his two sons John Gauld and John Gallich.—John Cathanach being informed of John Brayach's design against him thought he could catch in his own snare. John Brayach hearing this made as speedy a despatch as possible and apprehended John Cattanach and



his two sons and brought them to Edinburgh where they were hanged upon the Borrowmuir. John Brayach had from the King a grant of Isla, and Glencairn had a grant of Kintyre. John Cathanach had sons besides these who were executed Alexander begotten by the Savages daughter in the County of Downe in Ireland and spouse of Achilles Bay MacCartin, they being both at the time his prisoners. He had another natural son Donald Maol or the Bald. MacCarten being prisoner with John offered for his release-ment to divide the Island of Jura in two and to make Kintyre an island by cutting a canal from the one Tarbert to the other which was denied him. Alexander John Cathanach's son when his father was seized by John Brayach was under a necessity of abandoning Isla and betake himself to the Glens of Ireland where he resided for a time. As to John Brayach in Isla he had two sons Donald [and] Somerled by Argyle's daughter who were lusty young strong men, the eldest of whom one day overthrew in wrestling all his father's train. At last his father said he would try him himself. The son answered that his father was too old and he young and in his full strength, therefore it was not decent for him to throw down his father. But the old man would by no means be persuaded from wrestling with his son ; so engaging he was thrown down by the son. The old fellow said you naughty boy, you would sooner act my tragedy than expel Alexander John Cathanach's son from the Glens in Ireland. Immediately upon this a levy of men was made and sent with the two sons of John Brayach to Ireland. When they landed Alexander was in Glenseith with 140 men and seeing them land thought it best to encounter them without delay, so immediately he led on to the attack. When MacEan's sons saw him and his men advance, they asked their own men (seeing Alexander's party so small) whether they believed he had a mind to fight. The men answered in the affirmative, and the smith of Isla said that few as they were in number, they would be a venomous thorn in their side that day, and that he for his own part would rather be on their side than that of MacEan's. MacEan

said it was much better for them to want any man who thought so at heart than have him in their company. The smith singling himself from the rest asked if any other that pleased to follow him should be hindered MacEan said that they would not. Upon this 50 men more separated themselves from the company and following the smith made straight for Alexander. The attack immediately commenced on both sides. The MacEans were routed the most of whom with MacEans two sons were killed. That very night Alexander took the enemies' boats with which he transported over his own men to Isla and went accompanied by one man for intelligence and falling in with MacNiven, constable of Dunivaig who knowing Alexander asked him whence he came. Alexander answered from Ireland. MacNiven enquired of him if he knew what was become of that unfortunate man Alexander MacJohn Cathanich since the MacEans went to Ireland, and whether he was alive or not. Alexander answered that he was alive and asked what was his concern for that man. MacNiven told him he was a constable of Dunivaig and would deliver up the castle to him, and likewise that John Brayach was in the Inch of Lochgairn. Without loss of time Alexander surprised the Castle of Dunivaig and gets straight forward to Lochgairn where he besieges MacEan in the island who at length surrenders on condition that he should give up Isla and quite all his rights thereof to Alexander and that Alexander should marry John Brayach's daughter. This being agreed to John Brayach left Isla and Alexander married his daughter. Once Alexander was possessed of Isla, it was impossible for Glencairn to retain possession of Kintyre. When John Brayach was married to MacLean's daughter she had a pyet which was taught to say 'the son of Eve,' because Eve was a low born woman and the mother of John Brayach who was a natural son. But John Brayach taking umbrage at this gathered together all his mother's surname brought MacLean's daughter home to Douart and left her there. Now Austin's children were the following:—1. Donald Gallich by Elizabeth Gun the Crowner of Caithness's

daughter; 2. John by the daughter of John Brayach aforesaid whom he ravished; 3. Donald Harrieh by John MacLeod of Harris's daughter; 4. Archibald by the daughter of Torkill MacLeod of the Lewis; 5. Angus Collach by a natural daughter of the Laird of Coll; 6. Angus Du by the daughter of Maurice vicar of South Uist. Contemporary with him was Allan son of Rodrick Laird of Muidort Alexander of Keppoch John and Alexander of Glengarry. Maurice's daughter was red haired ruddy faced, lived by turns in Argyle and in Oransay in North Uist where she died and was buried in Collumkill in Sand. Donald Gallich succeeded to his father Austin as may be inferred from the premises. I hold this family to be the chiefest and the most ancient of all the Macdonalds and that for the following reasons.<sup>1</sup> First all men who have the least knowledge or tincture of the antiquity of this name, knows that the Earl of Ross and Lord of the Isles was chief of the Macdonalds and none of the other distinct branches, saving the family of Sleat, I mean the posterity of Austin are lineally descended of the Earls of Ross, and that none else who is head of a family remains who is descended of the Earls of Ross is beyond doubt. When John, Austin's brother, resigned his rights to the King the whole name of consequence were obliged to hold of the King likewise, altho' formerly the whole of them did hold of their Chief. But we hear of none of the families of Kintyre, Muidort, Glengarry or Lochabber ever since they became collateral branches with the family of Macdonald or became distinct families ever granted any patents or rights of lands to other people. Besides they were descended after Donald first Earl of Ross and brother to the rest of these heads of families. The family of Sleat has likewise the oldest Charter from the King that any of the name can produce. That family has also a better estate than any of the rest to support its Grandure, and likewise a degree of honour beyond the rest. Besides this, they can produce a paper signed by all the principal men of the name,

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<sup>1</sup> Hugh Macdonald is of course an avowed partisan of the Sleat family.

wherein they acknowledge the head of the family of Sleat as chief<sup>1</sup> and it is well known that their predecessors at all times gave place to his predecessors, yet some of them deny this, pretending that he was of a natural descent whereas almost all of themselves have doubled or tripled that kind of generation, before and after the birth of Austin. Besides every person must grant that by the law of nature of two brothers illegitimately begotten the eldest should have pre-eminence over the younger. I shall subjoin Glengarry's pretensions to the Chieftainship of the Macdonalds. I have already observed that Austin's brother John of the Isles had a natural son called Archibald<sup>2</sup> to whom he gave as a patrimony the lands of Kildin in Ross. This Archibald had another natural son Alexander. Alexander had by Lovat's daughter Donald Gauld and three daughters besides Angus Roy his natural son and was suffered to possess his own because Archibald was infested before his grandfather resigned all to the king which lands he himself lost again for attempting to recover all Macdonald's lands which were resigned by his grandfather. So that Donald Gauld before he was proclaimed Lord of the Isles after his father's death had no share of his father's estates, the true heir being prisoner at the time in Inchconnel, and those who had a preferable claim to that title declining it while the true heir lived. Alexander of Glengarry third laird of that family descended from the second son of Ranald first laird of Muidort his great-grandfather's brother's daughter by whom he got Allan of whom descended Lundy and Pitmain who are the first legal successors of that family. Then dismissing his lawful wife, he ravished the daughter of Alexander pretended Earl of Ross and son of Archibald, taking her away from the house of Ewan MacAllan, Laird of Locheill, who was her uncle-in-law, being married to her aunt at the time, but could not get himself married to her while his former wife lived. At this time the Laird of Muidort Dougall MacRanald was killed by his own cousin germans John and

<sup>1</sup> Probably the document printed in *The Clan Donald*, vol. iii. p. 654.

<sup>2</sup> Better known as Celestine of Lochalsh; *vide ante*, p. 53, note.



Allan. His two sons, likewise Angus and Alexander were apprehended by Alexander of Glengarry and killed, for which deed he got some lands in Morar. By the untimely death of Dugall the estate fell to a natural brother called John Muidortach, who without doubt was a man truly worthy of the preferment. A son of this Dugall Mac-Ranald married the eldest daughter of Alexander, he being the true heir of Muidort and because John Muidortich got possession of the estate in an unlawful manner. Glengarry and others by threats compelled him again to dismiss his wife, otherwise he should be treated like the rest of his brethern, a conduct truly worthier of a man who pretends to the chief of such a family. This daughter of Alexander which Dugall was obliged to dismiss was the eldest of her sisters and again married to Dingwall of Killdin. Donald Gallich was a moderate man inclined to peace, black haired, and fair skinned, and lived in the time of Kings James 3 and 4th. He divided all his lands and possessions with his brother Donald Harrich when he arrived at his majority by giving him North Uist, the upper Davich of Sleat and the Davich of Dunskaich with 4 davichs on the west side of Trotternish and kept the rest of the lands and the estate of Lochbroom to himself. Two of their brethern were allotted particularly for their patrimony to each of them. Donald Gallich was to provide for Archibald and for Angus Collach. Donald Harrich was to provide for John and Angus Du. The principal people in the Isles holding tryst at Aros in Mull, MacFinnon being Archibald's foster father observed that his fostering him was in vain. When his father's property was divided between the son of the Crouner of Caithness's daughter and the son of MacLeod of Harris's daughter. From that very day he was resolved to murder his two brothers Donald Gallich and Donald Harrich and calling his brothers Angus Collach and Angus Du to Tarskivaig in Sleat he revealed his design to them of murdering their brethern and promised that he would augment their patrimony greatly if they were to join him, to which they consented and going all three to Uist, Donald Harrich being at the time sick of a fever on



the little Inch of Lochpabill, and married then to a daughter of Allan MacRory's Laird of Muidort they entered the Island to see him but he suspecting their design called a servant whom he ordered to go for South Uist, and desire Ranald Bain, Laird of Muidort his brother in law to send him 60 ells fine linnen and 60 ells coarse linnen. But they apprehended the man and forced him to reveal his errand to them who judged that their brother wished Ranald Bain to send him 60 gentlemen and 60 common soldiers. They carried their brother off to the Inch of Lochskolpig where they bored two holes through the partition and drawing a thong thro' the holes with a noose at the end of it, in this they put their brother's neck when a fellow of the paul was desired to pull hard at the cord until it broke. Donald said to his brethern, if they meant to take away his life, they should do it cleanly. With this they made a spit red hot in the fire wherewith they pierced his body thro' the fundament until it came out at his throat. After this they went to the Isle of Sky where hearing that their brother Donald Gallich was at Kishorn building two galleys one for himself and the other for Donald Harrich, they went there in the night time, and coming to the place where Donald Gallich lodged early in the morning they went in where he was, and after discoursing on different subjects Donald Gallich came out with a plaid wraped about him and his night cap on and walked with his brothers a little below the house to the place where the gallies were building on the stocks. Archibald bowed under the quarter of one of the galleys and said the carpenter had placed a plank there in a very crude manner. Donald Gallich stooping to see the plank was stabbed by Archibald with his long skean or knife. Donald Gallich leaning over a little rivulet near the place, and turning about said that he was sure his brother Donald Herrich was not in life. Archibald leaping over the same rivulet said he was not. Neither would he be any longer, and stabbed him a second time ordering his brothers at the same time to lay on, that they might be equally guilty, which they obeyed, and came back the very same day to Strath.

Mackinnon being informed of the murder of Donald Gallich brought his corpse from Kishorn and buried it in Killchrist. Donald Gallich had by Agnes daughter of <sup>1</sup> Donald Gruamach. She was first married to Torkill MacLeod of the Lewis, by whom she had John a very brave man who procured his rights from the King and died at Tain in Ross. Donald Gallich had another natural son by an Irishwoman called Alexander Roy. He had Archibald Bain by a daughter of Mackinnon Porter of Aros. He had another son called Angus. Donald Herrich had children, Ranald and Donald Glass he had before he married Angus Glass and Donald Badenoch and another son John who was killed in Ireland. Archibald, the son of Austin, the foresaid murderer was forced by Ranald Bain Laird of Muidort to betake himself to the Southern Isles, where joining with two of the MacAllisters, Ranald More, and Alister Bearnich, who robbed all ships and passengers they could lay hold of. He remained with these miscreants three whole years. His brother during that time was Laird of Sleat. Donald Bain of Muidort, hearing he was to bring Archibald back again he discharged him from being tutor any more. This Donald Bain died at Perth, having received his charters from the King, which did his family little service as they never came to their hands. Now Archibald after the death of Muidort, married a daughter of MacLean. This MacLean advised Archibald to surprise his copartners John More and Alister Bearnich whom he apprehended, by which means he obtained pardon for his former crimes.<sup>2</sup> During the time that Archibald kept company with these outlaws Angus Collach his brother went with a great train to Uist, and as the custom then was he must needs have for his partner that night the goodman's daughter, or in case of his having no daughter he must have his own wife. He came to St. Marys, the

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<sup>1</sup> Something is left out in the MS. Agnes was the daughter of Macdonald of Dunnyveg.

<sup>2</sup> The *Registrum Secreti Sigilli*, vol. i. No. 1649, contains 'A Respit to Archibald Huchonsoun of the Illys and xxviii utheris,' dated at Edinburgh 6th April 1508.

principal church of North Uist, nigh to which Maedonald of Bebranalld lived, a gentleman descended of Godfrey who had to his wife a daughter of John Brainish son to Allan the son of Roderick of Muidort who had Benbieula for his patrimony. This gentleman Donald Maedonald being in the meantime absent from home, his wife went to the church to hear Mass and Angus Collach meeting her at the church and saluting her told her he meant to lodge with her next night to which she made him welcome. He observed that she must herself partake of a share of his bed. She replied when he came to the house, she would give him an answer. So Angus went to her house next night and was received by her very kindly. Upon this he began to urge her earnestly to perform her promise. She replied that it was not yet bed time, and when it was that she would be his partner for the night. So before she ordered supper to be brought them, she got a horse ready to the house, and while he and his retinue were at supper, she rides under night to Benbieula where her father was, her husband coming home went after her to bring her back, but she would not go home telling him, that she married him with an unsullied character, and as he was not willing to preserve her from infamy she would remain with her own relations, whereupon they convened a consell, who were unanimous for revenge. 60 men were sent with Donald MacRanald to North Uist where he gathered together the most of the offspring of Godfrey with whom he surprised Angus Collach at Kirkibost, and killed 18 of his men and took himself prisoner, and sent him to the Laird of Muidort to South Uist where he was tied up in a sack and cast into the raging sea. He was afterwards found upon the shore of Carinish where he was buried. Alexander MacLeod of Harris, having married the Laird of Muidort's daughter sent her home some time thereafter, but the Laird of Muidort afterwards apprehending him in Egg hanged MacLeod's brother and kept himself prisoner for seven years at Castle Tirrim where he got his back broke which made him hunch backed all his lifetime. Angus Du Austin's son was apprehended by Ranald of Muidort, and

was kept for a long time in close custody but was like to escape coming down the strand near Asturnish in South Uist by making trial if he could run with as much speed then after his long confinement as he did before, and seeing that he could run tolerably well he attempted to outdo the guards, who closely pursued him, and at last one of them shooting at him with an arrow wounded him in the leg in such a manner that it could not be cured and so put a period to his life with a sword. Archibald Du ruled the estate of his father after the death of Ranald of Muidort. He killed the offspring of Godfrey to the number of 18. Of those who assisted him, and his brothers to the murder of their other brothers Donald Gallich and Donald Herrach though it happened by the just judgment of God, yet he did it to be revenged of his brother Angus Collach's death. Archibald being four years married to MacLean's daughter had no children he sent for Donald Gruamach, Donald Gallich's son who lived then in the Earl of Murray's house and likewise for Donald Herrich's son both his nephews. Donald Gruamach had then come to some years being come to age altho' very young when his father was murdered. He took to wife the relict of John Brayaeh who was killed at Mull. But Archibald the wicked murderer of his father courted her twice or thrice to satiate his ungovernable lusts, and once she left her head-dress in his hand and got off. She was a very good and wise lady the daughter of Alexander Tanister of Muidort and son of Allan. Donald Gruamach took this behaviour of his uncle's very ill and communicated the matter to his cousin and that he was doubtful what to do, that he was certain it was out of no love to them that they were sent for, neither did he entertain the least idea of making them his successors because he had not any family by his own wife, but for getting an opportunity of murdering them as he did their fathers. And that in his opinion he had a greater desire to bestow their proper profession<sup>1</sup> on his own base son than on them. At any rate he advised Ranald to be silent for a while and

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<sup>1</sup> *Quere* possession?



forbear for a time. Sometime after this Archibald was entertained by a gentleman at Vallay. Donald Gruamach desired Ranald always to sit aside him wherever he sat, and not allow any one whatever to sit between them. The day before the feast as Archibald was to take breakfast at Hosta, Ranald had in his custody the cup out of which Archibald was wont to drink. Ranald in the meantime was playing at some sort of game with other people, but was sent word to go with the cup and attend upon his uncle at breakfast. Ranald said he would finish his game first and then go at his own leisure that it signified very little to him whether he took his breakfast or not those who went for Ranald when they went back told all he had said to Archibald who was highly incensed against him. When Ranald came in his uncle's presence he called Ranald a jackanapes telling him he would teach him better manners, to which Ranald replied that he was not a jackanapes at any rate he could expect no goodwill from him, and desired him to give him his father's sword that he might go in quest of his fortune. Archibald asked him his real intention, or whether he meant to revenge his father's death or not. Upon this Donald Gruamach advised his cousin-german Ranald to hold his tongue. After this when they went to Valay and began to drink and get a little hearty and cheerful John MacLean of Borrerary<sup>1</sup> rising up out of his own seat, wished to have a place between Donald and Ranald which Donald refused suspecting John's fidelity towards them he being particularly in favour with Archibald, because he had MacLean's daughter to wife. Ranald had a better opinion of John, but had a very bad opinion of Ewen, John's brother, yet John would insist upon sitting between them when he was denied by Ranald. He desired to exchange long skians or knives with either of them, which they both refused, Donald saying, they were men of no fortune, and were not fit companions for wealthy people. When John saw that he could not prevail with them he bad them farewell. So

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<sup>1</sup> See *Macfarlane's Genealogical Collections*, Scot. Hist. Soc., vol. xxxiii. p. 128.



next day leaving Vallay on the Strand Ewan MacLean John's brother meets them and makes up to Ranald asking him what they intended to do, to know if possible what affection they had for their uncle Archibald. Ranald answering him very frankly said that he would not be his secretary. Donald Gruamach coming near them desired Ranald not to speak a word to Ewan. They went to Oransay that night. John MacLean was preparing an entertainment for them at Barreray and not being as well provided as he would wish Archibald said that he would not go to Barreray until John was better provided but would go to the hills to hunt the deer. John MacLean asked him whom would he have in his company. Archibald said he would have both his nephews and some of the rest of the company. John said if he would be advised by him he ought to shun the company of his nephews. Archibald said there was no hazard. They went to a hill called Lee upon the east side of the country and about six miles from the habited side thereof. Ranald was sent to drive the deer to the strait, and Archibald had a leash of hounds in his hands near the entry of it. Donald Gruamach had another leash in his hand at some distance from him and was ordered by Archibald not to let loose his dogs till his own went off first. When Donald saw that his uncle had let loose his dogs, he himself did the same to his, one of which getting hold of a deer, angered Archibald very much, when he observed that it was Donald's dog that caught him, and in a passion called Donald a jackanapes, that he was both bold and impertinent but that he would soon chastise his pride and insolence. Donald said that he had done nothing but what he himself commended him formerly and thus did forbear until he saw Ranald coming near Archibald leaping over a small ditch. Donald gave him a small thrust in the shoulder blade with his dagger which pierced not very deep, having struck on the bone. Archibald turning about wrested the dagger out of Donald's hand, he being a very strong and active man, but the dagger stuck fast in the bone. Archibald desired Ranald to give him his sword for the villain had stabbed him with his

dagger. Ranald said he should have it as he deserved, and with that gave him two or three strokes upon the head which laid him dead upon the ground. They sent Finlay M'Queen home to Oransay desiring him to despatch and turn Archibald's relict out of her room and place Donald's lady in her place. Archibald's body was carried home and buried. Donald Gruamach succeeded his father Donald Gallich in the lands of Trotterness Sleat North Uist, Canna, Lochbroom and Kishorn. He married the daughter of Alexander, son of Allan of Moidart who was formerly married to John Brayach who was killed in Mull. Donald gave a third of the lands of his estate to his cousin-german Ranald who left but one only son legitimately begotten called Angus. Donald Gruamach<sup>1</sup> was a very lively man and got by his lawful wife Donald Gorm his eldest son. He afterwards had Gilesbig Clerich by a daughter of Torkil MacLeod his married wife being then alive for she slipt away from her own child without the least offence being given her.

*Cetera desunt.*

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<sup>1</sup> He was killed while attacking Eilan-Donan Castle in the year 1539-40; *vide post*, pp. 102, 215. It is often said that he died in 1537, and that it was his son Donald Gorm who was killed in Kintail. Mr. Gregory accepted that view in his *History*, p. 145. But in the *Collections* (vol. vii.) he gives reasons for what is now said. Donald Gorm, who succeeded, was implicated in a rising in 1544, and seems to have fled with the Earl of Lennox to England and died there. For the further descent of this family see the statement of his pedigree in 1596 by a subsequent Donald Gorm; *vide post*, p. 101.

*THE FOLLOWING DOCUMENTS, which possess considerable interest on various grounds, are here printed for the more special purpose of correcting, explaining, or illustrating passages in Hugh Macdonald's History.*

## I

DISPENSATION FOR MARRIAGE of John of the Isles and Amie, sister of Reginald MacRuari. 4th June 1337.

(Regesta Vaticana, 124 f. 39 (Regesta Avenionensia, 51 f. 126). Benedict XII.)

The existence of this dispensation has been matter of controversy. It is referred to by Andrew Stuart in his *Genealogical History of the Stewarts* (p. 446) as included in a list supplied to him by M. de Marini, the Vatican archivist, but he does not appear ever to have seen a copy. By some strange mischance, moreover, it has been omitted altogether from the *Calendar of Entries in the Papal Registers* published by the authority of the Lords Commissioners of the Treasury. But all doubts have now been removed by Mr. Maitland Thomson, who personally took the trouble to look for and find the Record of the Dispensation in the Vatican archives. It is thus no longer open to question that there was a marriage between John of Yle and Amie MacRuari—on whatever pretext that marriage may have afterwards been annulled—and as little doubt that the legitimacy of the issue of the marriage must have been saved by any decree of divorce that may have been pronounced. The succession of Donald—the son of the marriage between John of Yle and Margaret Stewart—was thus plainly due to the will and power of his father, and not to anything legally superior in his birth. Such disinheritance of an older family is not without parallel. A well-known instance is afforded by the first Earl of Huntly, who disinherited the son of his first marriage in favour of his son by the daughter of the Chancellor Crichton. Another, perhaps even more to the point, is supplied by the Macleans of Duart. Lachlan Maclean of Duart, who flourished about 1430, passed over two sons by his first wife—Neil and John

Garbh, who founded the family of Coll—and selected as his successor Lachlan Oig, his son by a second marriage (*Macfarlane's Genealogical Collections*, Scot. Hist. Soc., vol. xxxiii. pp. 126, 127).

Primogeniture, therefore, by itself had not that all-important place in Celtic succession that some fancy; and legitimacy too was a matter of minor importance, as is also shown by the history of the Duart Macleans. Hector Maclean of Duart had a natural son Lachlan, who, on 3rd October 1496, received letters of legitimization (*Reg. Mag. Sig.*); and on 8th October 1496, on his father's resignation, this same Lachlan had a charter of the family estates all thereby erected and incorporated into the barony of Dowarde. The tenendas clause of that charter is instructive, as clearly showing the displacement of at least one legitimate heir and his issue. For after Lachlan and the heirs male of his body lawfully begotten come his father Hector and the lawful heirs male of his body, and then Donald, brother of the said Hector, etc. (*ibid.*).

On the phraseology of the dispensation it need only be remarked that statements as to the healing of feuds and the prevention of devastations, etc., should not be taken too seriously. Some reason for the dispensation had to be given, and such averments indicated a most praiseworthy frame of mind on the part of the two young people whose marriage was proposed.

Venerabili fratri . . . episcopo Sodorensi salutem. Exhibita nobis dilectorum filiorum nobilium virorum Johannis nati quondam Engusii de Ile et Reginaldi quondam Rodrici de Insulis tue diocesis petitio continebat quod olim inter eos eorumque progenitores consanguineos et amicos incentore malorum hoste humani generis procurante guerre dissensiones et scandala fuerunt exorta propter que homicidia incendia depredationes spolia et alia mala quamplurima evenerunt et continue evenire non cessant et nichilominus multe ecclesie illarum partium fuerunt passe et patiuntur propterea non modica detrimenta nam in eis cultus divinus minuitur cessat devotio et decime non solvuntur quinimo alique de dictis ecclesiis quodammodo fuere destructe et pejora evenire timentur nisi de oportuno remedio celeriter succurratur quodque ipsi desiderantes tot et tantis periculis obviare invicem habuere tractatum quod idem Johannes et dilecta in Christo filia Amia soror Reginaldi predicti adinvicem matrimonialiter copulentur

verum quia sicut asserunt dicti Johannes et Amia quarto consanguinitatis gradu invicem se contingunt matrimonium hujusmodi contrahere nequeunt dispensatione super hoc apostolica non obtenta. Quare dicti Johannes et Reginaldus nobis humiliter supplicarunt et cum eisdem Johanne et Amia super hoc dispensare misericorditer dignemur. Nos igitur qui salutem querimus singulorum et libenter Christi fidelibus quietis et pacis commoda procuramus predictis scandalis et periculis obviare salubriter intendentes eorum et dicte Amie supplicationibus inclinati fraternitati tue de qua fiduciam gerimus in Domino specialem per apostolica scripta committimus et mandamus quatenus si est ita cum eisdem Johanne et Amia quod impedimento consanguinitatis hujusmodi non obstante hujusmodi matrimonium adinvicem libere contrahere valeant et in eo postquam contractum fuerit licite remanere apostolica auctoritate dispenses prolem suscipiendam ex hujusmodi matrimonio legitimam nuntiando. Datum Avinione ij nonas Junij anno tertio.

## II

INDENTURE BETWIXT JOHN, LORD OF THE ISLES, AND  
JOHN OF LORN, LORD OF ARGYLE. 8th Sep. 1354

In the second edition of Lord Hailes's *Annals of Scotland* there is printed as a third Appendix a pamphlet published in 1771 by Mr. John Davidson, W.S., containing excerpts from the Chamberlain's accounts, and also 'four other papers that seemed curious.' The fourth of these is the indenture printed below, and Mr. Davidson observes, apparently as his reason for its insertion, that 'it is the only paper in Scotland, yet known to the publisher, in which *unciata terræ* is mentioned.'<sup>1</sup> As for its history, he says, 'It was found at the search made some years ago, by authority from

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<sup>1</sup> In the *History of the Clan Maclean*, by J. P. Maclean, p. 29, a grant of 'Nec non custodiam et constabulariam castrorum infra scriptorum viz. castrum de Doward cum unciata terra de Torosay' is translated as 'the custody and constablership of Duart with the *enceinte* land of Torosay'!!

For much information as to *unciata terræ*, and other land valuations, see *Proceedings of the Society of Antiquaries*, vols. xviii. p. 253 and xx. p. 200.



the Court of Session, into the hogsheads in the Register Office.' Whether the original indenture is still in existence is not now known.

The parties are John of Yle, Lord of the Isles, and John de Ergadia, Lord of Lorn. On the forfeiture of the family of Ergadia a considerable part of its possessions, including the Isle of Mull, was conferred by Robert I. on Angus Oig of Yle, who died in 1330. His son and successor, John of Yle, entered into an alliance with Edward Balliol, with the result that he appears to have been forfeited in his turn in the year 1341. In 1344, however, he made his peace with David II., and his possessions were restored to him. Meantime, John of Lorn, known as John Baccach, the inveterate enemy of Robert I., had died in captivity, it is said in Lochleven Castle, leaving a son Alan, whose son John married Joanna, the daughter of King Robert's daughter Matilda, by the mysterious Thomas Isaac—and had restored to him the mainland possessions of his family.<sup>1</sup> Thereafter he seems to have put forward claims also to the islands held by John of Yle, and this indenture professes to settle their disputes. It is noteworthy, as Mr. Gregory points out (p. 27, note), that this deed contains the first recorded instance of the style of *Dominus Insularum* being used by John of Yle. But while this is so it must be remembered that in his charter of 1203 to the Abbey of Paisley, Reginald, the son of Somerled, designs himself as Dominus de Inchevall.

The stipulation made by John of Lorn—not John of Yle, as the learned authors of the *Origines Parochiales* seem to have thought (II. i. p. 322)—that the keeping of the Castle of Kerneburgh should never be given to any of the clan Fynwyne, still provides a problem for the ingenious.

Anno Dni M.CCC. quinquagesimo quarto in Nativitate Beate Marie Virginis, apud Iwon sele<sup>2</sup> facta fuit hec conventio et interposita inter Nobiles Viros Johannem de Yle, Dominum Insularum, ex una parte, et Joannem de Larin, Dominum Ergadie, ex altera, super quibus defenderunt et finaliter concordarunt: Imprimis predictus Joannes de Larin concedit, et quietum clamat, cum fusto et baculo, omne jus et clameum quod habuit, vel habet, seu habere poterit, Joanni de Yle, Domino

<sup>1</sup> Prior to 1338, when he granted a charter to his aunt, Mary, wife of John of Strivelyn (Spalding Club *Miscellany*, v. p. 244).

<sup>2</sup> *Quere* Icolmchile?

Insularum, de omnibus terris, castris, et insulis, cum pertinen. suis inferius nominand. de quibus dictus Joannes de Yle est incartatus per Dominum David, Vel Dominum Robertum, patrem ejusdem, Regis Scotiae, viz. castra de Kerneburgh et Hystylburgh, cum omnibus insulis suis et juribus; totam insulam de Mule, cum omnibus suis pertinen. et castrum de Dunconill, cum oibus pert. suis, et insulis superiore parte de Duray, cum suis pert.; insulam de Tereyd, cum oibus pertinen. suis et libertatibus, exceptis terris infra scriptis, viz. Insula de Colle, cum omnibus suis pertinen. et tribus unciatis terrae de Tereyd, que propinquiores sunt terre de Colle, demptis terris liberis eccliarum de Durobwaret Glencown, cum omnibus suis pertinen.; quas terras et insulam, cum oibus suis justis pert. et consuetudinibus aut exaccionibus quibuscunque, idem Johes de Yle, Dnus Insularum, dat, concedit, et per presentes confirmat, absque calumpnia vel repetitione, seu clameo aliquo, a predicto Joanne, vel heredibus suis, in perpetuum, predicto Joanni de Larin libere et pacifice possidendas. It. ordinatum est quiscunque fuerit sen.<sup>1</sup> in predictis tribus unciatis terrae de Tereyd, ex parte Johis de Larin, non faciet domesticaturam seu habitaculum in predicta insula, sine licentia predicti Johannis de Yle. Item concordatum est inter predictos nobiles, q. semper de cetero ex nunc sint carnales fratres, et compatres singuli alterius commodum respicientes, liceat enim id. Johi de Larin componere, seu fabricare, octo Naves, q. sint de numero xvi. remorum, vel xii. remorum, in sua debita forma et quantitate. Insuper ordinatum est inter predictos Nobiles, quod Joannes de Larin dabit Joanni de Yle tres obsides in manu sua, donec habuerit castrum de Kerneburgh sibi deliberatum, viz. unum filium legitimum Laehlani filii Alexandri, et alium filium legitimum Ywari M'Lulli. et filium legitimum Johis M'Molmari, vel alterius boni de parentela sua. Item Johes de Yle obligat se, quod nunquam impetrabit nec capiet literas, donum, vel

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<sup>1</sup> *Quere* Senescallus?

infeodacionem a quocunque rege, vel custode regni Seocie, super predictis terris per ipsum concessis eidem Johi de Larin. Item concordatum est inter predictos, quod idem Johes de Yle nunquam insurget ad guerram contra Johannam de Larin, per se, vel per alium, vel alterum<sup>1</sup> auxilium dabit cum quacunque persona vivente, presente vel futuro, excepta persona Regis Seociæ; simili modo idem Johes de Larin se obligat Johi de Yle. Concordatum est, quod Johes de Yle nunquam dabit custodium castri de Kerneburch ulli de nacone clan Fynwyne. Item conventum est, quod quiscunque fecerit vel perpetraverit homicidium ex premeditata nequiscia inter predictos nobiles, exilio ab utroque specialiter deputetur. Item si quis a retinentia unius, ad retinentiam alterius, propter malefacta sua, procedere voluerit, ab altero non admittatur, nisi de suis transgressionibus justicie complementum voluerit exhibere. Et ad omnia ista et premissorum singula fideliter, observanda, tactis Dei evangeliis, corporalia prestiterunt juramenta. Parti vero hujus indenture remanenti penes Johannem de Larin, sigillum Johannis de Yle est appensum; parti vero remanenti penes Johannem de Yle, sigillum Johannis de Larin est appensum. Dat. die, et loco, et anno supradictis.

### III

MANDATE to absolve from excommunication Lachlan, son of John 'M'Guilleon' and Mary, daughter of John of the Isles, and to grant a Dispensation for their marriage. 13th May 1367. (Urb. v. De Lid. et Com. An. v.)

(Arch. Vat. Reg. Vat., 256, fol. 71.)

The compilers of the official *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland—Papal Letters*, vol. iv. p. 63—thus summarise the terms of this document: 'To the Bishop of Sodor. Mandate, if the facts are as stated, to absolve

<sup>1</sup> *Quere aliter?*

Lochlan (*Lacolannus*) Johannis called "Maguilleon" (Maclean) donsel and Mary de Insulis, daughter of John, Lord of the Isles, from the excommunication which they have incurred by marrying without banns, and to grant them a dispensation to remain in the marriage so contracted, declaring their past and future offspring legitimate.'

They thus omit to state that Lachlan and Mary de Insulis were within the forbidden degrees—a fact of which he is said to have been aware—and that the marriage between them was thus not merely irregular, but also invalid.

The effect of the papal letter was therefore not merely to relieve the parties of the ecclesiastical penalties incurred by contracting an irregular marriage, but also, *ex post facto*, to validate the marriage and legitimate the offspring already born. Its date shows that Mary must have been a daughter of Amie MacRuari, and not, as is often said, of Margaret Stewart.

The explanation of why Lachlan and Mary entered into this clandestine relationship is set forth in even more elaborate and impressive phraseology than that already noticed in the case of John of Yle and Amie MacRuari (*ante*, p. 73). But it is difficult to imagine the Lord of the Isles (not to speak of Mary's mother, the parents of Lachlan, and the greater part of the kin on both sides) being deterred by some unnamed but quarrelsome relatives from having his daughter decently married in the ordinary way. Hugh Macdonald's statement, that the lady was married 'by her inclination of yielding,' seems more in keeping with the probabilities. But of course a formal explanation had to be given which the authorities could accept.

This marriage brought Lachlan into close relations with the Lord of the Isles, and laid the foundation of the future importance of the family of Duart. From what has been already said (*ante*, p. 73), it is plain that the heir male of Lachlan and Mary de Insulis must be sought for among the descendants of the disinherited Neil, or, if they be extinct, among the descendants of his brother, John Garbh of Coll. Moreover, even apart from the apparent seniority of Lochbuie (*vide ante*, pp. 21-22), as from 1496 the chiefs of Duart were only the illegitimate cadets of a cadet family, the claim sometimes put forward that Duart is chief of the whole name of Maclean, *jure sanguinis*, seems hardly capable of serious statement. And the known facts seem equally adverse to any claim based on territorial superiority, so far as either Lochbuie or Coll is concerned.



Venerabili fratri. . . Episcopo Sodorensi salutem etc. Oblate nobis nuper pro parte nobilis viri Lacolanni Johannis dicti Maguilleon domicelli et nobilis mulieris Marie de Insulis nate dilecte [*sic*] filii nobilis viri Johannis domini Insularum tue diocesis petitionis series continebat quod olim idem Lacolannus, non ignorans se et dictam Mariam quarto fore consanguinitatis gradu conjunctos, et prefata Maria, hujusmodi consanguinitatis gradu penitus ignorans, cupientes diuturnis guerris et scandalis que inter utriusque parentes ipsorum et amicos vigeant quarum occasione nonnulla homicidia incendia spolia et rapine in locis sacris et non sacris fuerant multipliciter subsecuta obviare, parentum et majoris partis amicorum suorum ad id interveniente tractatu pariter et assensu, matrimonium per verba legitime de presenti, nullis tamen bannis editis, timore quorundam emulorum suorum guerram hujusmodi magis quam pacem desiderantium, clandestine invicem contraxerunt, propter quod Lacolannus a Canone tam ipse quam et Maria predicti per provinciales seu sinodales constitutiones promulgatas excommunicationis sententias incurrisse noscuntur, iidemque Lacolannus et Maria matrimonium hujusmodi postmodum carnali copula consummarunt et prolem ex inde procrearunt quodque ex eorum separacione si fieret scandala pejora prioribus possent verisimiliter exorire. Quare pro parte Lacolanni et Marie predictorum nobis extitit humiliter supplicatum ut providere eis de absolucionis beneficio ab hujusmodi excommunicationis sententiis quas propter premissa incurrerunt ut prefertur et dispensacionis gracia de benignitate apostolica dignaremur. Nos igitur qui salutem querimus singulorum et libenter Christifidelibus quietis et pacis commoda procuramus volentes Lacolanni et Marie predictorum super premissorum premissis animarum obviare saluti ac cupientes hujusmodi scandalis quantum cum Deo possumus salubriter obviare fraternitati tue de qua in hiis et aliis specialem in Domino fiduciam obtinemus per apostolica scripta mandamus quatenus si est ita et tibi expediatur quod predicta dispensatio concedatur super quo tuam conscientiam oneramus Lacolannum et Mariam



prefatos ab hujusmodi excommunicationum sententiis quas ut premittitur incurrerunt auctoritate nostra juxta formam ecclesie absolvas injunctis eis inter alia sub virtute juramenti prestandi quod de cetero talia non committant nec facientibus prebeant auxilium consilium vel favorem et etiam penitencia salutari ac aliisque de jure fuerint injungenda et demum cum eisdem Lacolanno et Maria ut impedimento quod ex consanguinitate hujusmodi provenit non obstante dummodo dicta Maria propter hoc rapta non fuerit et ad id parentum predictorum et majoris partis consanguineorum Lacolanni et Marie predictorum citra tertium gradum accedat assensus in sic contracto matrimonio licite remanere valeant auctoritate predicta dispenses prolem susceptam, hujusmodi et ex dicto matrimonio suscipiendam legitimam decernendo. Volumus autem quod idem Lacolannus si eidem Marie supervixerit perpetuo remaneat innuptus. Datum Massilie iii Idus Maii pontificatus nostri anno quinto.

## IV

EXTRACT FROM THE ACTS OF THE PARLIAMENTS OF  
SCOTLAND. (Record edition, vol. i. p. 556.)

John of Yle, Lord of the Isles, and Margaret, daughter of the Steward of Scotland, were married in 1350. In 1371 the Steward, whose eldest son and heir apparent had previously been created Earl of Carrick, became king as Robert II. John, Lord of the Isles, who had disinherited his first family by Amie MacRuari, died in 1380, and was succeeded by Donald, his eldest son by the Princess. At that time he was a minor, and till he came of age the family possessions were administered by his half-brother Ranald. The following excerpt from the proceedings of Parliament shows that by 1389 relations between the Princess and her sons—Donald, Iain Mor Tainisteir, and Alastair Carrach—had become exceedingly strained. No details are given, but it may be conjectured that the dispute was not unconnected with some claim put forward by the widowed Lady of Yle to provisions out of the family estates. Her grievances, it will be seen, were brought forward by her eldest brother, afterwards Robert III., and the

matter was remitted to her other brother Robert, Earl of Fife and Menteith—afterwards Duke of Albany—who, because of his father's age and his elder brother's infirmities, had in the previous December been appointed guardian of the kingdom.

Apud Sconam xxix die Martii a.d. mcccclxxxix

Ceterum ex parte domini Comitis de Carrick pro domina sorore sua domina de Yle fuit in pleno parlamento conquestum quod dicte sue sorori illate fuerant graves injurie et multa dampna ac gravia injuste et extra formam juris per suos filios eorumque homines et adherentes unde decretum est per parlamentum et ordinatum quod dominus Comes de ffyfe Custos regni de se tenetur et debet auctoritate Regis et virtute sui officii de recto et remedio Juris et Justicie secundum quod delicta exigunt eidem domine providere—et hoc fiat expediencius quo fieri poterit ne pro defectu Justicie amplius causam habeat querelandi.

## V

PAPAL MANDATE to the Bishop of Ossero to inquire into certain matters relating to the Monastery of St. Columba, in Iona, with powers. 8th Jan. 1443-4.

(Archivio Vaticano.—Reg. Later. 406. 1443-4. An. xiii. Eug. iv. Fol. 112 v.)

By the end of the ninth century Iona had lost its ecclesiastical importance through the raids of the heathen Northmen, and their repeated massacres of the brethren. In Scotland its pre-eminence had passed to Dunkeld, and in Ireland to Kells. But the veneration in which the faithful held the little island remained unaffected, and Queen Margaret is said to have rebuilt the monastery, and placed monks there with a suitable endowment. Unfortunately no details have been preserved. Later, Reginald, Dominus de Inchegall, the son of Somerled, who succeeded his father in 1164, and died in 1208, founded there a Benedictine monastery, which he amply endowed, as well as a nunnery, of which his sister Bethoc was the first prioress. This foundation was

confirmed by Pope Innocent III. in 1203,<sup>1</sup> and from the Bull of confirmation it appears that the abbot was then a certain Celestine—a name strangely regarded as synonymous with Gilleasbuig or Archibald—and that the possessions of the monastery were extensive.<sup>2</sup>

The Bull sets them forth thus, viz.: ‘Locum ipsum in quo prefatum Monasterium situm est, cum omnibus pertinentiis suis; Ecclesias de Insegal, de Mule de Coluansei de Cheldabsenaig, de Chelcenneg et de Ile; Insulas Hy Mule Coluansei Oruansei Canei et Calue. Terra de Magenbourg, de Mangecheles de Herilnean de Sotesdal. Terras de Abberarde in Yle de Markarna et de Camusnanesre.’

At this time, it will be remembered, the Isles belonged to Norway, and accordingly Iona was under the jurisdiction of the Archbishop of Trondhjem, and not subject to the Bishop of Sodor, a circumstance not without bearing on its subsequent history, and resulting probably in the abbot having greater practical independence of control than was altogether desirable. In the year 1499 John, Bishop of the Isles, was appointed Abbot of Hy, and the abbacy was thereafter held with the bishopric, the occupant of the see being thus Bishop of the Isles and perpetual Comendator of the monastery. A rental showing the extent of the bishop’s possessions in his twofold character, *circa* 1561, is printed in the *Collectanea de Rebus Albanicis*, p. 1.

Somewhere about 1410, according to Hugh Macdonald, the Abbot of Hy was one of the clan Fynnon, known as the Green Abbot (*vide ante*, p. 32). He is said to have been a subtle and wicked councillor, and to have contrived a plot against Donald, Lord of the Isles. The next abbot whose name is recorded was John, probably his successor, who died about 1420, and was succeeded by Dominic, the son of Kenneth. For some time, it would seem, the abbacy of Iona had come to be regarded as a prize worth capturing by the lesser magnates of the Isles; and accordingly Dominic, who seems to have desired to put things on a different footing, attempted to discourage the entrance into the monastery of well-born young

<sup>1</sup> Munsch, who prints this writ in his edition of *The Chronicle of Man*, Christiania, 1861, gives the reference as *Regest Innocent III., t. ii., Ann. 6, Ep. 180, Arch. Secr. Vatican.*

<sup>2</sup> William the Lion had, *circa* 1175, granted to Holyrood four churches in Galloway, ‘*que ad Jus Abbacie de Hii Columchille pertinent.*’ How these churches came to belong to Iona, and how the king had the right to make such a grant, is obscure.

men with worldly ambition. On representing to Martin v. that a number of abbots of noble race had kept as their concubines women, also of noble race, by whom they had had children, and had squandered the goods of the monastery upon the said concubines and children, he obtained from that pope an ordinance that no one of noble race from whom such scandal might be expected should be admitted into the monastery by virtue of papal letters. There was, however, a certain acolyte, to wit Fyngonius Fyngonii, or Mackinnon, a grandson of the Green Abbot, who seems to have had a mind for ecclesiastical preferment. Although of noble birth, and a student of canon law, he had the misfortune to be the son of an unmarried man and an unmarried woman. From this defect, however, he was dispensed in 1426, in order that he might receive a benefice (*Papal Registers*, vii. 461). The abbot seems to have suspected his intentions, and had somehow induced him to swear that he would never enter the monastery or make his profession therein. But influence was brought to bear at Rome, and a mandate, dated 6 Id. July 1426, was addressed to the Abbot of Dunfermline, and Malcolm MacDugal beg, and Duncan MacDuncan, canons of Lismore, to release him from his oath, and cause him to be received into the monastery. He next appears in 1433 as having held the perpetual vicarage of St. Fynnoga's of Coll, one of the churches belonging to Hy,<sup>1</sup> for more than a year, without having been ordained a priest, for which he is accordingly deprived, and his benefice given to Lachlan M'Cormack. Meantime, according to the document now printed, he had been making things unpleasant for the abbot and convent, who had refused to receive him as a monk, and had been excommunicated in consequence. With the help of three friendly monks he received the habit, notwithstanding that the abbot and convent had appealed to the Holy See, and proceeded to follow the example of his grandfather. In particular he took as his concubine a lady named Mor, the daughter of Mariota MacSween, with her mother's full consent, and under an agreement to provide suitably for her; and he also proceeded to lay violent hands on the goods of the said monastery, whereby great scandal had arisen, and even danger that the patron<sup>2</sup> might remove the bones and

<sup>1</sup> This seems to indicate the dedication of the Parish Church of Coll, which the editors of the *Origines Parochiales* had not been able to discover.

<sup>2</sup> The patron was obviously Alexander, Lord of the Isles and Earl of Ross. His alleged tenderness of conscience with regard to such matters seems curious in view of the next two documents.

relics of his progenitors who were buried there. All these things were finally brought under the notice of the Holy See, with the result that a remit to inquire into the whole matter, and to exercise all necessary discipline, was made by the mandate now printed.

With regard to the charges brought against the Green Abbot and his grandson a few words may be said.

It must be kept in view that the clergy of the Celtic Church were, as a rule, married men. In the great controversy between them and Queen Margaret, their tonsure, their Easter, their ritual, their neglect of the Sabbath, and even some disregard of the forbidden degrees, were all vehemently assailed by her. But she made no attack on their marriage. This might be thought curious, if it be not remembered that married clergy were also common in England whence she came. The Roman Church had, no doubt, set its face against the marriage of priests; but these marriages, though forbidden, were perfectly valid till long afterwards, as they are in the Eastern church until this day. Apart from monastic vows, the celibacy of the Roman clergy is due to a mere ecclesiastical rule or bylaw, which can be rescinded at any time, and from which a dispensation can be given on cause shown. And, as a matter of fact, the case of the Uniats shows how such an exemption exists on a wholesale scale when that is found desirable. In Scotland there was no public feeling against a married priest; and though the lady who shared his somewhat meagre living is usually called evil names by papal scribes and the framers of ecclesiastical canons, it is doubtful if, in ordinary circumstances, either the spouses or the parishioners regarded the alliance as anything but *verum matrimonium*, or contrary to good morals, though no doubt, like other things, it was now forbidden by meddlesome ecclesiastics. It is therefore curious every now and then to find lists of priests' bastards put forward as evidence of the corruption of the mediæval Church. The industrious statisticians who thus labour in support of Lutheran or Calvinistic theology do not seem to realise that they are identifying themselves with the ultramontane view as to clerical celibacy, which was then as little in accordance with popular feeling as is nowadays the Royal Marriage Act of George III.

In the Western Islands especially, where memories of the Celtic Church would naturally linger, more or less obscurely, long after the formal introduction of the Roman system, and the niceties of



the new-fangled monasticism be regarded as of little account, it would in no way seem out of place for even an abbot to be married, or to pass on his office and its emoluments to his son.<sup>1</sup>

Whatever may have been the outcome of the proceedings against Fyngonius Fyngonii, it is interesting that among the 'Idolatrous Monuments' in Iona, which have survived the insensate fury of the Reformers and the callous neglect of their successors, are two closely associated with his race. They are (first) a magnificent cross, with the inscription: 'HAEC EST CRUX LACCLANI MEIC FINGONE ET EIUS FILII JOHANNIS ABBATIS DE HY. FACTA ANNO DOMINI MCCCC LXXXIX'; and (second), an ornate tomb, inscribed: 'JOHANNES MACFINGON ABBAS DE Y. QUI OBIT ANNO DNI MILLESIMO QUINGENTESIMO.'

Eugenius etc. Venerabili Fratri Petro Episcopo Auserensi in romana curia residenti salutem etc. Apostolice sedis circumspecta benignitas circa concessionum gratias in quibus multorum voces frequenter exaudit, illam sibi providentiam reservare intendit, ut ex illis eis proveniat commodum quod aliis materia scandali seu gravaminis, ac etiam monasteriis nec non in eis sub regulari habitu degentibus personis non immineat detrimentum et, si secus comperit fore gestum, illud renuat et admittat, prout negotium revocat personarum, locorum ac temporum qualitate pensata in altissimo conspicit salubriter expedire. Dudum siquidem felicis recordationis Martino papa v. predecessori nostro pro parte dilectorum filiorum Dominici abbatis et conventus monasterii sancti Columbe insule de Hy ordinis sancti Benedicti Sodorensis diocesis exposito quod nonnulli de nobili genere procreati abbates dicti monasterii qui illius regimini et administrationi in spiritualibus et temporalibus prae fuerant pro tempore gressus suos in semitis continentie non dirigentes, quasdam etiam de nobili genere genitas mulieres ex quibus gradientes super terram procrearent, in concubinas tenuerant ac proprie salutis immemores de bonis prefati monasterii tanquam de hereditate propria concubinis partem assignarant et gradientibus ipsis de

<sup>1</sup> The Valliscaulian priory of Ardchattan seems to furnish instances of this.

vite ac victus necessariis provideant, bona eadem multipliciter dilapidando, quodque nobiles ipsi prefatum monasterium intrantes, non devotionis sed bonorum illius administrationis causa, communiter ordinem ipsum profitebantur in non modicam divini cultus diminutionem grave prejudicium dicto monasterio ac scandalum plurimorum; idem predecessor per quasdam literas statuit et etiam ordinavit quod ex tunc in antea perpetuis futuris temporibus nullus de nobili genere procreatus cujuscunque etiam dignitatis, status, gradus, ordinis vel conditionis foret, ex cuius receptione scandalum verisimiliter sequi posset, auctoritate literarum apostolicarum cuiquam sub quavis etiam forma verborum a sede predicta vel ejus auctoritate concessarum, tunc vel in antea concedendarum, seu alias in dicto monasterio recipi deberet vel admitti, decernens literas concessas vel concedendas praedictas et processus habitos pro tempore per easdem cum provisionibus per illas seu earum vigore factis et faciendis ac omnibus aliis inde secutis, etiam si ipsius et illorum totis tenoribus ipsis literis de verbo ad verbum habenda esset mentio specialis, aut quicquid alias a quoquam quavis auctoritate scienter vel ignoranter in contrarium contingeret attemptari, irrita existere et inania nulliusque roboris vel momenti. Et deinde per ipsum praedecessorem accepto quod dilectus filius Fyngonius Fyngonii tunc acolitus dicte diocesis cupiebat in monasterio prefato una cum abbate et conventu prefatis sub regulari habitu virtutum Domino famulari, dictus predecessor dilectis filiis . . abbati monasterii de Dunfermelyn Sanctiandree diocesis eius proprio nomine non expresso et Molcalmo MacDugaylbyg ac Doncano Donecani canonicis ecclesie Lysmorensis per alias suas literas dedit in mandatis, ut ipsi aut unus eorum eundem Fyngonium asserentem se de nobili genere procreatum existere et in jure canonico aliquandiu studuisse ac dictum Dominicum eundem Fyngonium quod ipse in illius abbatis prejudicium et gravamen dictum monasterium nunquam monachus ingrederetur aut inibi predictum ordinem profiteretur, induxisse corporale prestare iuramentum si esset ydoneus

et aliud canonicum non obstaret juramento predicto, ipsi Fyngonio per eos primitus relaxato in dicto monasterio si in eo certus monachorum numerus non habebatur et illud ex hoc nimium non gravaretur, vel etiam si hujusmodi numerus forsitan existeret et de ipso numero aliquis tunc deesset ex tunc alioquin quantum aliquem de ipso numero deesse contingeret, in monachum et in fratrem recipi sibi que iuxta ipsius monasterii consuetudinem regularem habitum exhiberi ac de communibus eiusdem monasterii proventibus sicut uni ex aliis prefati monasterii monachis integre provideri ipsumque ibidem sincera in Domino caritate tractari facerent, prout in eisdem literis plenius continetur. Postmodum vero, sicut exhibita nuper nobis qui dicto predecessore sicut Domino placuit sublato de medio divina favente clementia ad apicem summi apostolatus assumpti fuimus, pro parte dictorum abbatis et conventus petitio continebat, Malcalmus et Doncanus predicti ad earundem posteriorum literarum executionem perperam procedentes illarum pretextu ad instantiam dicti Fyngonii prefatos abbatem et conventum per suas certi tenoris literas monuerunt et mandarunt eisdem ut sub excommunicationis aliisque ecclesiasticis sententiis, censuris et penis tunc expressis infra certum peremptorium terminum etiam tunc expressum ipsum Fyngonium in eorum monasterio iuxta dictarum posteriorum literarum formam in monachum atque fratrem reciperent et admitterent ac ei regularem habitum exhiberent, eumque inibi sincera in Domino caritate tractari facerent, quodque postmodum in singulos ex abate et conventu predictis quia monitioni et mandato prefatis prout nec tenebantur non paruerant, extra excommunicationis et universas suspensionis sententias promulgarunt licet de facto ac subsequenter prefatus Fyngonius postquam de premissis ut apparebat dolens eisdem posterioribus literis et inde secutis coram certis notario et testibus sponte et libere cesserat, apostolicas ad venerabiles fratres nostros . . Valven. et . . Sodoren. episcopos ac Doncanum predictum a nobis sub certa forma literas impetravit, quarum pretextu ven. frater noster

Joannes episcopus Sodoren. et dictus Doncanus etiam postquam abbas et conventus prefati a nonnullis sufficientibus sibi ab eisdem Joanne, Doncano et Fyngonio illatis gravaminibus ad sedem tandem appellaverant, abbatem et conventum predictos sententias, censuras et penas hujusmodi incurrisse mandarunt publice nuntiari ipsique Fyngonio regularem habitum eiusdem ordinis per tres ex novitiis dicti monasterii eiusdem Fyngoni fautores exhiberi fecerunt et procurarunt similiter de facto. Cum autem, sicut eadem petitio subjungebat, tam priores quam posteriores per ipsum Fyngonium impetrare litere predictae pro eo quod in illis de statuto et ordinatione ac super illis habitis literis prefatis et quod idem Fyngonius cuiusdam filii quondam Fyngonii ipsius monasterii abbatis de nobili genere procreati, qui quidem Fyngonius abbas vitam dissolutam duxit ac bona dicti monasterii concubinis et filiis ac filiabus suis distribuendo plurimum dissipavit ac dilapidavit natus foret in ipsis quoque posterioribus literis de cessione predicta mentio aliqua facta non fuit surreptionis vitio subiaceant et alias predictus Fyngonius Fyngonii pudicitie laxatis habenis cum dilecta in Christo filia Mariota Suignici muliere prefate Sodoren. diocesis tractaverit ut dilectam in Christo filiam Mor ipsius Mariote filiam in concubinam haberet ac cum effectu pepigerit et se obligaverit quod eidem Mor quadraginta vacas dotalitas ad estimationem consuetam terrarum insularum illarum partium daret et persolveret ac ipsi concubine esculenta et poculenta necnon pannos competentes ministraret et eam ut concubinam honorifice tractaret, ipseque Fyngonius Fyngonii dictam Mor post priorum et ante posteriorum literarum predictarum impetrationes per aliquot annos in concubinam tenuerit ac tempore impetrationis posteriorum literarum hujusmodi excommunicatus fuerit cum nonnullis quoque fautoribus suis a dicto monasterio, quedam bona ad illud spectantia violenter asportaverit ac publicus fornicator lubricus periurus, scandalosus et pluribus aliis criminibus irretitus necnon abbati et conventui prefatis ac dilectis filiis patrono eiusdem monasterii et dominis



temporalibus partium earundem propter ejus inhonestam vitam et conversationem plurimum exosus reputetur, pro parte eorundem abbatis et conventus asserentium quod si forsitan contingeret ipsum Fyngonium Fyngonii in dicto monasterio in monachum recipi et in fratrem dictusque patronus de hoc non contentus reliquias et ossa progenitorum suorum in ipso monasterio sepultorum necnon pretiosa ibidem erogata abinde verisimiliter extrahi et ad alia loca transferri faceret et procuraret ipseque patronus per suas patentes literas asseruit quod si prefatus Fyngonius Fyngonii, ut premittitur, in eodem monasterio recipietur, sua conscientia sibi non permittit tempore eiusdem Fyngonii Fyngonii prefatum monasterium augmentare sed potius minuere nobis fuit humiliter supplicatum ut super hiis oportune providere de benignitate apostolica dignaremur. Nos igitur qui de premissis certam noticiam non habemus ac literarum tenores nec non omnium et singularum premissarum status presentibus pro expressis habentes, huiusmodi nec non charissimi in Christo filii nostri Jacobi regis Scotie illustris ac patroni et dominorum predictorum, nec non dilectorum filiorum nobilium insularum illarum partium nobis super hoc humiliter supplicantium, supplicationibus inclinati, fraternitati tue per apostolica scripta mandamus quatenus auctoritate nostra si vocatis dicto Fyngonio Fyngonii et aliis qui fuerint evocandi per audientiam contradictarum romane curie infra tres dies tibi quod in dictis posterioribus per ipsum Fyngonium Fyngonii impetratis literis nulla de statuto et ordinatione ac prioribus literis predictis mentio facta fuerit aut quod ipse Fyngonius Fyngonii eisdem prioribus per eum impetratis literis et inde secutis cesserit, ut prefertur, seu quod concubinam tenuerit et illi se obligaverit vel quod tempore date posteriorum literarum earundem periurus publicus seu vinculo maioris excommunicationis innodatus fuerit aut quod prefato monasterio sancti Columbe scandalosus et minus utilis ac dicto patrono exosus seu alias quovis modo ad dictas per eum impetratas literas obtinendum inhabilis existat legitime constiterit abbatem et conventum predictos a



sententiis censuris et penis prefatis absolvas in forma ecclesie consueta, iniunctis sibi pro modo culpe penitentia salutari et aliis que de jure fuerint injungenda, ac cum eis super irregularitate si quam sententiis et censuris huiusmodi vel earum aliqua forsitan ligati missas et alia divina officia non tamen in contemptu clavium celebrando aut illis se immiscendo quomodolibet contraxerunt, dispenses absolvasque ab ipsis omnem inhabilitatis et infamie maculam sive notam per eos dicta actione contractam. Et nihilominus literas per dictum Fyngonium Fyngonii impetratas predictas et processus desuper habitos ac quecumque inde secuta revoces, casses et annulles nulliusque roboris vel momenti facere, necnon dictos abbatem et conventum ad receptionem eiusdem Fyngoni Fyngonii in monachum et in fratrem pretextu literarum per eum impetratarum huiusmodi seu alias deinceps non teneri decernas ac ipsum Fyngonum Fyngonii dictum habitum dimittere facias et compellas eique super premissis perpetuum silentium imponas et alia que circa premissa fuerint necessaria seu quomodolibet oportuna facias, statuas et ordines, contradictores quos literis [*sic: quære* 'quoslibet'] super hiis per te habendis servatis processibus aggravare curabis per censuram ecclesiasticam et alia juris remedia appellatione postposita compescendo invocato ad hoc si opus fuerit auxilio brachii secularis. Non obstantibus pie memorie Bonifacii PP. VIII. etiam predecessoris nostri quibus cavetur ne quis extra suam civitatem vel diocesim nisi in certis exceptis casibus et in illis ultra unam dietam a fine sue diocesis ad iudicium evocetur, ac de duabus dietis in concilio generali editis et quibusvis aliis constitutionibus et ordinibus apostolicis ceterisque contrariis quibuscumque. Aut si dicto Fyngonio Fyngonii vel quibusvis aliis communiter vel divisim ab eadem sit sede indultum quod extra vel ultra tertia loca ad iudicium evocari aut quod interdicti, suspendi vel excommunicari non possint per literas apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem.

Datum Rome apud S. Petrum anno Incarnationis

Dominice millesimo quadringentesimo quadragesimo tertio,  
sexto idus Januarii anno tertiodecimo.

An. xxxx. de Adria.

## VI

PAPAL LETTERS of Legitimation in favour of Hugh,  
Alexander, and Donald, sons of Alexander, Earl of  
Ross and Lord of the Isles. 19th June 1445.

(Archivio Vaticano. 1445. An. xv. Eug. iv. Lib. 196, fol. 151.)

These letters show that Alexander, Earl of Ross and Lord of the Isles, had three illegitimate sons, seemingly by the same mother, named Hugh, Alexander, and Donald. They do not appear to be mentioned by any of the writers on Macdonald genealogy, and it is of course possible that they may have died young, and without issue. It will be noticed that this legitimation is not limited to such matters as removal of the obstacles in the way of the grantees obtaining orders or benefices. On the contrary, it is conceived in the most ample terms, professing not merely to authorise their succession *ab intestato*, but even to give them a right to their father's armorial bearings, a matter which might have been considered as hardly within the cognisance of the Holy See. But at the same time it is expressly declared to be without prejudice to the legitimate sons of the earl. This phrase, and the fact that no legitimations appear to have ever been granted in favour of Celestine of Lochalsh or Hugh of Sleat, entirely consists with the view expressed by Mr. Gregory (*History*, p. 41, note), and now generally held, that both of these were legitimate, at all events according to Celtic law.

Eugenius etc. Dilectis filiis Hugoni et Alexandro ac Donaldo, dilecti filii nobilis viri Alexandri de Ylis comitis Rossen. natis salutem etc.

Illegitime genitos quos morum decorat honestas nature vicium minime decolorat quia decus virtutum geniture maculam abstergit in filiis et pudicitia morum pudor originis aboletur. Attendentes igitur quod sicut habet fidedignorum assertio vos qui defectum natalium patimini de dilecto filio nobili viro Alexandro de Ylis comite Rossen. coniugato geniti et soluta defectum ipsum

honestate morum ac vite aliisque probitatis et virtutum meritis compensatis redimentes favore virtutum quod in vobis ortus odiosus ademit ac valentes vos premissorum intuitu favore prosequi gratie specialis vestris in hac parte supplicationibus inclinati vobiscumque ut defectu predicto et quibuscumque constitutionibus apostolicis ac legibus imperialibus necnon statutis municipalibus et aliis contrariis nequaquam obstantibus in quibusvis parentum ac agnatorum vestrorum bonis, iuribus et actionibus etiam feudalibus ex testamento vel ab intestato sine tamen legitimorum dicti comitis filiorum qui fuerint et alias illorum qui in bonis iuribus et actionibus huiusmodi personis ea relinquentibus ab intestato succedere deberent prejudicio succedere necnon arma sive signa et insignia paterna deferre ad honores quoque et dignitates ac officia secularia quecumque alias rite recipi et assumi illaque et quoscumque alios actus legitimos gerere et exercere libere ac licite valeatis ac si essetis de thoro legitimo procreati auctoritate apostolica tenore presentium de speciali gratia dispensamus. Nulli ergo etc. nostre dispensationis confringere etc. Si quis autem etc. Datum Rome apud S. Petrum anno incarnationis dominice millesimo quadringentesimo quadragesimo quinto, tertio decimo kalendas Julii anno 15. An. LX. de Adria.

## VII

PAPAL MANDATE to admonish Alexander, Earl of Ross and Lord of the Isles, and Christina, his Concubine.  
24th March 1445-6.

(Archivio Vaticano. 1445-6. An. xvi. Eug. iv. Vol. 426, fol. 297 v.)

Alexander, Earl of Ross and Lord of the Isles, is generally said to have married Elizabeth, daughter of Sir Alexander Seton and Elizabeth Gordon, and thus sister of the first Earl of Huntly. This statement made by Crawford (*Peerage*, p. 232) on the authority of Ferrerius is not supported by the terms of any known charter or other contemporary writ, but there seems no reason for doubting its accuracy, unless indeed from the fact that in a charter dated 5th October 1442 by Alexander to Huntly (then

Sir Alexander Seton), of the barony of Kynedward, there is no hint of any relationship.

Very little is known about this lady. Hugh Macdonald (cf. *ante*, p. 35) plainly confuses her with her son's wife; but the anonymous author of the marginal note on p. 35, besides accepting her identity, asserts that he has seen her name in a charter, and that that charter proves her to have been the mother of Hugh of Sleat as well as of his brother John.

The document now printed shows that her Christian name was Elizabeth, so far corroborating the tradition, and it also shows that in their later years she and her husband had become seriously estranged. According to Hugh Macdonald there were three sons of the marriage, and there were certainly daughters also, facts which entirely coincide with the assertion that the spouses had lived together until Alexander, 'damnabiliter illectus,' by the wiles of Christina Macclaide, had practically repudiated his wife and installed Christina in her place. Information would be welcome on many points, e.g. the identity of Christina—whether she was the mother of Hugh, Donald and Alexander, whose legitimation has just been discussed, and what was the upshot of the whole matter. If the petition on which the mandate proceeds is still extant, it and perchance other documents preserved in the Vatican archives may throw more light on the history of Alexander and his family.

It is interesting to note the wholesome respect entertained for the power of Alexander, and the apprehension that any attempt to inflict personal admonition on him or his paramour might have grave consequences for the adventurous ecclesiastic.

Eugenius etc. Venerabili Fratri. episcopo Sancti-andree et dilectis filiis Rossen. ac Brechinen. ecclesiarum archidiaconis salutem etc. Humilibus supplicum votis libenter annuimus praesertim quibus fidelium statui et indemnitatibus consulitur ac dispendiis obviatur. Exhibita siquidem nobis nuper pro parte dilecte in Christo filie nobilis mulieris Elizabeth uxoris dilecti filii nobilis viri Alexandri de Yele comitis Rossie et domini insularum Rossen. diocesis petitio continebat quod licet ipsa dictusque comes aliquandiu ut veri coniuges in simul cohabitassent tamen prefatus comes suasibus et machinationibus ut presumitur dilecte in Christo filie Christiane

Maclaide mulieris dicte diocesis damnabiliter illectus ipsam Elizabeth a se de facto repulit ac eidem Christiane quam in concubinam tenere non trepidat impudenter adheret nec ipsa speret Elizabeth propter potentiam dicti comitis quod eum et prefatam Christianam tute desuper citari ac moneri facere possit, Nos igitur quorum interest super his salubriter providere, discretioni vestre per apostolica scripta mandamus quatenus vos vel duo aut unus vestrum, si est ita, comitem predictum ut ipsa Christiana dimissa prefatam Elizabeth recipiat et eam maritali sicut tenetur affectione pertractet ac dictam Christianam ne deinceps aliquam quominus ipsi comes et Elizabeth insimul cohabitent occasionem ingerat, monitione premissa per censuras ecclesiasticas et alia oportuna juris remedia previa ratione compellatis, et si per summariam informationem super hiis per vos recipiendam vobis constiterit quod ipsorum comitis et Christiane presentia premonitionibus huiusmodi faciendis commode nequeat haberi, nos vobis monitiones ipsas per edictum publicum locis affigendum publicis que partibus illis vicina sint et de quibus sit verosimilis coniectura quod ad noticiam monitorum eorundem pervenire valeant faciendi plenam concedimus tenore presentium facultatem, ac volumus quod dicte monitiones perinde monitos ipsos aretent ac si eis personaliter et presentialiter insinuate nec non intimate forent. Non obstantibus constitutionibus apostolicis et aliis contrariis quibuscumque, aut si comiti et Christiane prefatis a Sede Apostolica sit indultum quod interdicti suspendi vel excommunicari non possint per literas apostolicas non facientes plenam et expressam ac de verbo ad verbum de indulto huiusmodi mentionem. Datum Rome apud Sanctum Petrum anno Incarnationis dominice millesimo quadringentesimo quadragésimo quinto, nono kalendas aprilis anno sextodecimo. An. xx. de Adria.



## VIII

CARTA confirmationis super carta Johannis Domini  
Insularum facta suo fratri Hugoni Alexandri de  
Insulis. 10th November 1495.

(*Reg. Mag. Sig.*, vol. xiii. No. 186.)

One of the most tiresome blunders in the Record of the Great Seal is that with regard to the charter by John, Earl of Ross and Lord of the Isles, to his brother Hugh, confirmed by King James iv. on 10th November 1495. The date given, 1409, is plainly wrong, as John only succeeded his father in 1449, and was then still under age. But it is not easy to fix the proper date, and a valuable landmark in Highland chronology has been lost.

By this charter, whenever it was granted, Hugh, described by the granter as 'carissimo fratri meo,' without any qualifying word to suggest illegitimacy, received the extensive territory so long possessed by his descendants; and he held this from the Lord of the Isles until 1495, when, as Hugh Macdonald points out (*vide ante*, p. 48), he thought it desirable to get a charter from the King. The fact that this Crown charter is in the form of a confirmation, and not of a grant of lands, which were in the King's hands 'ratione forisfacturæ,' is one of the circumstances that tend to cast doubt on the alleged second forfeiture of John, Lord of the Isles, in 1493.

The terms of the original charter are remarkable in various respects. It is granted by the Lord of the Isles with the consent of his whole council, as if he were a sovereign prince. The destination in the tenendas clause to Hugh's heirs male, whether legitimate or illegitimate, by Fynvola Maclean, is unique, and so also seems the provision as to the choice of another wife in the event of Fynvola's demise. In the testing clause it will be observed that Celestine of Lochalsh is described by the granter simply as 'fratre nostro.' In the same clause, too, the heir apparent of Maclean of Duart designs himself 'Magistro de Doward'—a very early instance of such a designation, and specially noteworthy as being employed by the son of a Highland magnate, who was not a peer, nor even apparently a tenant *in capite* of the Crown, but a vassal of the Lord of the Isles.

‘*Jacobus Dei gratia Rex Scotorum Omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos quandam cartam factam per Johannem de Yle Comitem Rossie et Dominum Insularum suo fratri Hugoni Alexandri de Insulis hereditarie de certis terris in sua carta infrascripta specificatis in dominio Insularum jacentibus de mandato nostro visam lectam inspectam et diligenter examinatam sanam integram non rasam non cancellatam nec in aliqua sui parte suspectam ad plenum intellexisse sub hac forma : Omnibus hanc cartam visuris vel audituris Johannes de Yle Comes Rossie et Dominus Insularum eternam in Domino salutem Noveritis nos de consensu assensu et matura deliberacione tocius nostri Consilii dedisse concessisse et hac presenti carta nostra confirmasse carissimo fratri nostro Hugoni Alexandri de Insulis Domino de Slete omnes et singulas terras nostras infrascriptas viz. terras triginta mercarum de Skerehowg terras duodecim mercarum de Beanbeacla denariatum de Gergremynis terras sexaginta mercarum ex parte Corientali de Wist duos denariatus de scolpic quatuor denariatus de Gremynis duos denariatus de Talawmartin sex denariatus de Orvinsaig dimedium denariatum de Waynlis et dimedium denariatum de Insula Gillegerre unacum terris viginti octo mercarum de Slete cum pertinentiis jacentes in dominio nostro Insularum : Tenendas et habendas totas et integras prenominate terras cum pertinentiis prefato Hugoni et heredibus suis masculis inter ipsum Hugonem et Fynvolam Alexandri Johannis de Ardnamurchan legitime sive illegittime procreatis seu procreandis ac ipsorum legitimis heredibus quibus omnibus deficientibus quod absit heredibus suis masculis post mortem prefate Finvole inter ipsum Hugonem et quamcunque aliam mulierem de nostro consilio necnon et consiliis nostrorum consanguineorum viz. Donaldi de Insulis Domini de Dunnowaig et de Glynnis Celestini de Insulis de Lochalehe Laehlan M’Gilleoin de Doward et Alexandri Johannis de Ardnamurchan quibus deficientibus vel deficiente quod absit tunc de consilio ipsorum heredum vel ipsius deficientis heredis electam de nobis et heredibus*

nostris universis in feodo et hereditate imperpetuum per omnes rectas metas suas divisas et antiquas fines in costis planis pratis moris marresiis pascuis pasturis petariis turbariis carbonariis fabrilibus et brasinis viis semitis silvis virgultis aquis stagnis rivolis et lacubus aucupationibus venationibus piscationibus cum molendinis multuris et eorum sequelis cum curiis et curiarum exitibus cum comuni pastura libero introitu et exitu ac cum omnibus aliis et singulis commoditatibus libertatibus fertilitatibus [*sic*] et asiamentis ac justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam subtus terra quam supra terram tam per mare quam per terras tam prope quam procull ad dictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum adeo libere quiete integre plenarie honorifice bene et in pace libere pro ipsius homagiis necnon heredumque suorum masculorum ut premittitur fidelibus homagiis serviciis consiliis auxiliis potenciis et favoribus universis nobis heredibus nostris universis et successoribus quibuscunque bene et fideliter impendendis in guerra et in pace tam per mare quam per terras tociens quociens causa requirit seu opus fuerit necessarium contra et adversus quoscunque mortales homines et feminas: Et nos vero prefatus Johannes Comes Rossie et Dominus Insularum atque heredes nostri et successores omnes et singulas terras prenominate cum pertinentiis prefato Hugoni de Insulis fratri nostro suisque heredibus masculis ut prefertur warrantizabimus acquietabimus et imperpetuum defendemus prout melius liberius et honorificentius alicue terre hereditarie prout supra consueverunt in dominio Insularum literis concedi aut cartas confirmari: In cujus rei testimonium sigillum nostrum presentibus est appensum apud Aros vicesimo octavo die mensis Junii anno Domini millesimo cccc<sup>o</sup> nono hiis testibus presentibus viz. Donald de Insulis Domino de Dunnowaig et de Glynnis Celestino de Insulis de Lochalch fratre nostro Lachlano M'Gilleoin Domino de Doward Johanne M'Gilleoin de Lochboyg Lachlano juvine M'Gilleoin Magistro de Doward W[illelm]o M'Loyd de Glennelg Rodrico M'Leod de Leoghys Alex-

andro Johannis de Ardnamurchan Johanne Lachlani M'Gilleoin de Colla et Thoma de Monro nostro secretario ac rectore de Kilmanawik cum nonnullis aliis nobilibus et proceribus in fidem et testimonium omnium et singulorum premissorum vocatis et specialiter rogatis necnon et requisitis. Quamquidem cartam ac donacionem et concessionem in eadem contentas in omnibus suis punctis et articulis condicionibus et modis ac circumstanciis suis quibuscunque forma pariter et effectum in omnibus et per omnia approbamus ratificamus et pro nobis et successoribus nostris ut premissum est pro perpetuo confirmamus salvis nobis et successoribus nostris juribus et serviciis de prefatis terris cum pertinentiis ante presentem nostram confirmationem debitis et consuetis: In cujus rei testimonium presenti carte nostre magnum sigillum nostrum apponi precipimus, testibus reverendo in Christo patre Willelmo Episcopo Abirdonense nostri secreti Sigilli Custode, dilectis consanguineis nostris Archibaldo Comite Angusie Domino Douglas Cancellario nostro, Archibaldo Comite de Ergile Magistro Hospicii nostri Patricio Comite de Boithuile Domino Halis Alexandro Domino Hume magno camerario nostro Johanne Domino Drummond Justiciario nostro, venerabilibus in Christo patribus Georgio Abbate de Dunfermling et Georgio Abbate de Pasleto Thesaurario nostro, apud Striveling decimo decimo [sic] die mensis Novembris anno Domini millesimo quadringentesimo nonagesimo quinto et regni nostri octavo.'

## IX

FOR DONALD GORRUM HIS PETITIOUN AND CLAME  
gewin in to the cheker penult July 1596.

(Exchequer Papers Miscellaneous in H.M. General Register House.)

After a somewhat turbulent career Donald Gorm Mor of Sleat proceeded in 1595 to come to terms with the King, who seems to have been very ready to take him into favour. The negotiations involved, *inter alia*, Donald's right to the extensive territories



so long possessed by his family, and the greater part of which he claimed as heir under the charter of 10th November 1495, confirming the charter of John, Lord of the Isles, to his brother Hugh. His contentions with regard to this and the other matters under consideration were embodied in a petition to the Lords of Exchequer, which, with his signature attached, is preserved in H.M. General Register House. It is as follows:—

‘First, forsamikill as umquhile Hugo Alexander predecessour to the said Donald and quhome to he is apperand air be progres wes heretablie and sufficientlie infeft in all and haill the landis efter specefeit viz. all and haill the xx merk land of Skerehow, the xii merk land of Beaveacla, the penny land of Gorgremenische, the iii<sup>xx</sup> merk land upone the north pairte of Weist, the tua penny land of Skolpie, the four penny land of Gremynik, the tua penny land of Callow-martene, the sex penny land of Orvinsege, the halffpenny land of Wynleis, the halff penny land of the Ile of Gillegerrie, the xxviii merk land of Sleitt, with the pertinentis, liand in the lordschip of the Iles, as the confirmatione of his infeftment extractit heir present testefeis, thairfoir the said Donald Gorrum desyris ane new infeftment to be grantit to him be the Kingis Majesty according to the tenour of the said auld infeftment contenand the haill landis abovespecefeit.

‘Item, the said Donald desyris ane sufficient discharge to be grantit to him of the nonentre of the foirsaidis landis for all yeiris and termes bigane contenand lykwyis ane discharge of all dewteis and casualities that may be socht of the saidis landis for ony yeiris or termes bigane.

‘Item, forsamikill as the said Donald being in waird within the castell of Edinburgh in the yeir of God j<sup>m</sup> v<sup>c</sup> lxxxx yeiris he fand umquhile John Campbell of Caddell cautioner and souirtie for him to [David] Seytoun of Parbroith, Comptroller, for payment of the sowme of sex thowsand merks and that for satisfioun of all biganes preceeding the daitt of the said obligatione quhilk wes in *anno* lxxxx yeiris, off the quhilk sowme he hes maid payment of thre thowsand merks, and there restis the uther thre thowsand. As to the obligatione



the samyne is in the handis of the said Comptroller, quha will nather deny the haiffing theroff nor yit the payment. As lykwyis the said Comptroller hes recoverit the uther thre thowsand merks fra this Laird of Caddell notour to your Lordship, quheroff the said Donald man releve him.

‘Item, consideratione being haid of the premisses he is content to giff the Kingis Majesty for the performyng of the premisses the sowme of tua thowsand merkis by and attour the sowmes payit as said is.

‘Item, as to the landis of Troutirnes presentlie possest be the said Donald and his prediccissouris, quhilkis ar ane pairt and pertinentis of the landis of Sleitt, baith liand within the Ile of Sky, the said Donald desyris the samyne to be dispoint to him in few ferme for the yeirlic dewtie of viij<sup>xx</sup> merkis, quhilk is the maist that ewer wes payit be ony persone for the saidis landis, as lykwyis the said Donald desyris ane discharge of all byrun dewties that may be askit or cravit for the saidis landis, for the quhilk the said Donald is content to giff to the Kingis Majestic the sowme of tua thowsand merkis.

‘Item, the premisses being performit and the said Donald being maid the Kingis wassell in maner foirsaid, he is content to find cautioun according to the generall band for keping of gude ordour.

‘Penultimo Julii 1596. [Signed] Donald Gorme off Sleatta.’

*Endorsed.*—‘Donald Gorme his clame, 23 July 1596.’

## X

For the information of the authorities it was necessary that he should state formally and explicitly the descent under which he claimed to be the heir of the investiture of 1495. A separate sheet also preserved in the Register House, and endorsed—

‘Donald Gorme his genealogie from Hugo Alexander, to quhom he as successour and apperand air desyris

infestment to be gevin to him as is contenit in his clame. 1596.'

was accordingly submitted to the Lords of Exchequer. It is in the following terms:—

'Donnald Gorm<sup>1</sup> present.  
Donnald M'Donill Gorm<sup>2</sup> his father.  
Donnald Gorm<sup>3</sup> his guidschir.  
Donnald Grome<sup>4</sup> his grandfather.  
Donnald Galdach his father.  
Huistoun<sup>5</sup> his father.'

On 17th August 1596 as Donald Gorme de Slait he obtained a charter under the Great Seal of the lands in question.

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<sup>1</sup> Generally known as Donald Gorm Mor.

<sup>2</sup> Said to have been brought up in England, and therefore to have been known as Sassenach.

<sup>3</sup> He is said to have taken refuge in England, and to have died there in 1545.

<sup>4</sup> Generally called Gruamach—killed at Eilan-Donan, 1539-40.

<sup>5</sup> Uisdean, *i.e.* Hugo Alexandri.

MACNAUGHTAN OF THAT ILK

## INTRODUCTORY NOTE

THIS short history of the Macnaughtans or Mac-Nachtanes is said in a note by Mr. Gregory to have been copied from the Crawford MSS. in the Advocates' Library (34. 4. 15), and with this it has accordingly been collated. There is nothing to show where Crawford got his information—or indeed whether he was himself the author. During the period that it covers, this account of the family gives a good deal of information that is not to be found in the *Baronage* of Sir Robert Douglas, and it has accordingly been thought proper to print it here. A few notes have been added, and the Charter of Alexander III., which Crawford evidently intended to incorporate, has been inserted in the proper place.

## MACNAUGHTAN OF THAT ILK

SUCH authors who have treated of the Highland Clans, of their antiquity, strength, alliances, dependents etc. have alwise reckoned the Laird of Macnaughtan among the number: and that this family is exceeding antient is without all doubt. Some of the Sannachies who have given an account of the families in the Highlands differ somewhat as to the origine of the Macnaughtans.<sup>1</sup> The celebrated antiquaries of the house of Argyle Mr. MacEwen and Mr. Colvill are of opinion that their Ancestor was one Naughtan a son of the family of Lochow many ages and generations before ever that family assumed the surname of Campbel or were known by any other appellation but what was Patronimick and that this Naughtan's posterity was, by the common prevailing custom in the Highlands, then and long thereafter called Macnaughtans, that is, the posterity or the descendants of Naughtan their first memorable and known Ancestor. Others again are of opinion that they are a branch of the Fitzgeralds who were long ago Earl of Kildare in Ireland and of the same stock and blood with the Mackenzies and M'lains who derive themselves from brothers of that noble once great family and transplanted themselves at different times into this realm. If this be true Macnaughtan's ancestor has been settled here before either Colin Fitzgerald the known ancestor of the tribe of the Mackenzies or Gilean the progenitor of the Macleans came over to Scotland which was before the battle of the Largs against the

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<sup>1</sup> For Skene's theory and Macbain's criticism thereon see *Highlanders of Scotland*, second edition, pp. 304 *et seq.* and 416.



Norwegians in the 1263 in the reign of Alex<sup>r</sup> the 3<sup>d</sup> for that Prince gave as the reward of the valour of this Colin Fitzgerald, called Colinus Hibernus, the lands of Kintail from whose son Kenneth the Mackeneths or Mackenzies are patronimically descended.<sup>1</sup> I shall not venture to give my own oppinion at so great a distance of time as to the origine of the family of Macnaughtan whether from a son of the house of Lochow or from a son of the Fitzgeralds in Ireland, they are equally noble and great. But if they be of the family of Lochow I think it somewhat strange that tho they called themselves Macnaughtans that they did not keep the Gironn, the arms of the Lochow family, but tooke a quite different coat of arms—a Castle as indeed many of the rest of the Clans wear : if I might be allowed to give my own conjecture as to the origine of the arms of this antient family I imagine it has been taken from one of their ancestors beeing Governour of the Castle and Island of Fraoch-Elan<sup>2</sup> in the reign of Alexander the 2<sup>d</sup> and which is vouched from ane originall Charter in the Publick Registers at Edinburgh in a single sheet still preserved

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<sup>1</sup> The Fitzgerald origin of the Mackenzies and Macleans is no longer asserted seriously. If Colinus Hibernus ever existed there is no evidence that the Mackenzies are descended from him. The charter by which he is said to have received Kintail is printed—and criticised—in the *Origines Parochiales*, vol. II. ii. 1. It is generally reputed to be a forgery, and similar suspicions attach to other documents on which the first Earl of Cromarty professed to base his *Genealogy of the Mackenzies*, printed in *Macfarlane's Genealogical Collections*, Scot. Hist. Soc., vol. xxxiii. p. 54.

<sup>2</sup> Some interesting information is to be found in *The Charters of Inchaffray*, vol. lvi. of the Society's publications, regarding Gillechrist MacNachdan and his immediate relatives and their armorial bearings. At pages 64 and 65 are printed two grants of the Church of Kilmorich, at the head of Loch Fyne, dated *circa* 1246, 1247, in which he refers to his wife Bethoc, and his father Malcolm MacNachtan. The second charter, with his seal attached, is reproduced in facsimile. The seal is described (p. 315) by Mr. W. Rae Macdonald as charged with a bend, surmounted in chief of a label of 5 points with the legend, S. Gillechrist Macnachten.

In the same volume (p. 75) there is a grant by Ath, another son of Malcolm Macnaughtan, with consent of his brother Sir Gilbert, of the Church of S. Fyndoca of Inchealt or Inishail, an island in Lochow. The original writ, dated *circa* 1257, with the granter's seal, is still extant, and Mr. Macdonald describes the seal as a wyvern contourné, not on a shield.

amongst the Archives whereby that Prince gives as follows, [viz. :—

‘Alexander Dei gratia Rex Scottorum. Omnibus  
‘probis hominibus totius terræ suae Salutem. Sciatis  
‘quod concessimus Gillechrist MacNachdan, et heredibus  
‘suis ut ipsi habeant Custodiam castri nostri et insulæ  
‘de Frechelan, ita quod dictum castrum sumptibus  
‘nostris construi faciant et reficiant quotiens opus fuerit  
‘et salvo custodiant ad opus nostrum, et quotiens ibidem  
‘venerimus, dictum castrum honeste paratum nobis  
‘liberaliter ad hospitandum, et ibidem morandum pro  
‘voluntate nostra. In cujus rei testimonium, has nostras  
‘litteras eidem Gillechrist et suis heredibus fieri facimus  
‘patentes. Testibus Alexo. Comin, comite de Buchan,  
‘Justiciario Scotiæ, W. Comite de Marr Camerario, M.  
‘Comite de Strathern, A. Comite de Carrie et Alano  
‘Hostiario. Apud Seon xii. die Februarii anno regni  
‘nostri xviii.’] <sup>1</sup>

I shall make no other remark upon this Charter but that it is one of the antientest deeds that I have seen granted by the Crown to any Patronimickall sirname <sup>2</sup> not that [I] in the least intend to disparage the antiquity of the other Clanns, to give the preference to the Macnaughtans that I say is far from my intention as it is from the gentlemen of this family themselves, for they all agree that by the feuds and bloodsheds that in antient times abounded evrywhere and more especially in the Highlands the most of their old Charters and antient documents are destroyd, which happnd by the frequent burning their houses and destroying their family writts and I belive if

<sup>1</sup> This charter was not granted by Alexander II., but by his son Alexander III., in 1267. The reference in the *Origines Parochiales*, vol. II. i. 145, is to a copy of this charter, but the original itself is preserved in the Register House (Charters, No. 55). Though printed in Douglas's *Baronage*, p. 419, footnote, it has been thought proper to reproduce it in the text as Crawford apparently intended to do.

<sup>2</sup> So far as known to the Editor the oldest crown charter of lands in Argyll is that granted by Alexander II. to Gillascop Macgilechrist of the lands of Fyncharne and others, dated at Stirling 1st August 1240, *fecit* the Earl of Lauderdale.

this deed from the Crown to the Laird of Macnaughtan's ancestor had not been kept in a better and surer hand and custody then their own it had not been preserved, but have had the fate of most or rather all the antient Charters belonging to even the greatest and most powerful families in the Highlands to have been lost and destroyed by some one accident or other: for even the illustrious house of Argyle have not one Charter extant preceeding the reign of Robert the Bruce and that even of their antient Barony of Lochow and that but in the [ninth] year of the King's reign which is only the year of our Lord 13[15].<sup>1</sup>

Buchanan  
of Achmar's  
*History of the  
Highland  
Clanns.*

A Gentlman who wrote an essay upon the Highland Clanns says the Macnaughtans have been a sirname of very great antiquity and for a long tract of time of much esteem and possessed of a very considerable estate in Argyleshyre. The sirname was so denominated from the proper name of Naughten <sup>2</sup> beeing one of their Progenitors and ane antient proper name among the Highlanders. The author adds that the Chief of the name and family meaning the Laird of Macnaughten of that Ilk is reported to have been for some ages designed Thanes or Barons,<sup>3</sup> which is the same thing, of Lochtay and that they also possessed a great estate betwixt the south side of Lochfyne and Lochaw, parts of which are Glenara, Glenshira, Glenfyne and others. This tho perhaps beeing only tradition is the better supported from our historians particularly the Learnd Dr. John Barber in his History of King Robert the Bruce speaking of the noble and valourous Atchivements of the head of the tribe and family of Macnaughtan at that time he calls him alwise the Baron

<sup>1</sup> A facsimile of this charter, dated at Abirbrothock 10th February 1315, is to be found in Anderson's *Diplomata*, and also in the *National MSS. of Scotland*, vol. i.

<sup>2</sup> Nechtan was a Pictish name—*e.g.* the well-known King Nechtan Mac-Deirili. Egfrid, the King of Northumbria, it will also be remembered, was defeated in the year 685 at Nechtansmere in Angus.

<sup>3</sup> It is interesting to note that referring to Gillicrist Macnachtan's grants of Kilmorich (*supra*) Mr. W. A. Lindsay says, 'The charters indicate that he was of baronial rank' (*The Charters of Inchaffray*, p. lxxxiv).

Macnaughtan<sup>1</sup> that is plainly he has then been considered and esteemed as a man of that quality that had his estate holden of the Crown in *Libera Baronia*, in a free Barony and under that denomination all the Proceres and the Magnates were comprehended and which included all that were under the degree of Comites. For in those days we had no other species of nobility but the Comites and the Barones who all hold there estates of the Crown in free Baronies as we have just now observed.

Dr. Barber the authour above mentiond tuke notice of the Chief of the tribe of the Macnaughtans in the life of the Immortal Robert the first. Donald the Baron Macnaughtan at that time was a very brave man and is ranked among the first class of Heroes with Sir James Douglass, Sir Alex<sup>r</sup> Fraser, Sir Niell Campbel, Sir Reginald Crawford, Sir Andrew Gray etc. In the competition for the Crown betwixt the Bruce and the Balioll, this gallant man beeing layed in alliance and frindship with the great family of the Ergadii, at that time Lords of Lorn, adhered to the interest of the Baliol and in several memorable engagements in behalf of his claim to the Sovereignty fought for him with the utmost resolution and bravery : But, becing charmed w<sup>t</sup> the gallant behaviour of King Robert the Bruce and that he fought so resolutly for a Crown that he ought to wear it, or that he was convined that he had the preferable title in point of blood and descent,—what were his motives I shall not determine, but so much is certain that he no sooner changed sides and fell in with King Robert and joined cordially in his intrest then he behaved wonderfully weel, in all the several batles and skirmishes that were fought, with so much resolution and courage in his behalf, till the great and decisive batle

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<sup>1</sup> *The Bruce*, Book III. line 155 (vol. i. p. 57, Scottish Text Society edition). The passage begins :

‘ Thar wes a baroune Maknaughtan  
That in his hart gret kep has tane  
[Vnto] the Kingis chewalry  
And prisyt hym in hert gretly  
And to the Lord of Lorne said he,’ etc.



of Bannockburn that he trode on the necks of his hitherto unrelenting foes and eniemies. How far the tradition may be depended on that this gallant man was killed at the batle of Bannockburn I cannot say but this much is certain, that after that there is no mention of him in the history of that time and considering his activity and zeal for King Robert before, that its scarce to be doubted but he should have been found with the Heroes his firm frends and coteremporaries, prosecuting the glorious victory obtained there or in pressing the English as the Scots then did to a very eminent and remarkable degree. It's at least a presumption that he has not survived that glorious day for the liberty and honour of Scotland that he is not found getting a charter from the Crown of lands after that time as the other great men did and with whom he had an equall if not a greater degree of merit, who are then very nobly rewarded by their bountiefull and discerning Sovereign. He left his son Alexander young; who, to reward the memory and remunerate the merit of his fater, had a grant from King David the 2<sup>d</sup> of a great many lands in the Highlands and Isles on the forfaulture of John son to Duncan son to Alexander of the Isles.<sup>1</sup> The charter is dated in the year 1346 and is in the Inventarie of the Rolls of David the 2<sup>d</sup>. This Alexander<sup>2</sup> was succeeded by another Alexander, Baron Macnaughtan who in the reign of Robert the Second after the 1371 is witness to a charter in the Earl of Haddington's Collections from the Publick Archives by *Cristiana filia et heres Arthuri [Alani] filii Roderici Arthuro Campbel filio Domini Arthuri Campbel Militis de terris Muddenard, Ariseg et Mordoner et Insula de Egge et Rume et pertinentiis ejusdem etc.* The other witnesses to the charter are Domino

<sup>1</sup> This charter is printed in the Supplement to the Acts of the Parliaments of Scotland (*Acts*, vol. xii. p. 8). The destination is to Alexander and his son Duncan and the heirs male of his body, whom failing, his son Gilchryst and the heirs male of his body, whom failing, his son John and the heirs male of his body, etc.

<sup>2</sup> He must have been dead in 1361 when Cristina of Craginis sold to Colin, son of Gillaspic Campbell of Lochow, her part of the barony of the deceased Alexander M'Nachtane.—*Origines Parochiales*, vol. II. i. 96.



Johannis de Meneteth et Donaldo Cambel Militibus Eugenius Macyvar Duncanus Cambel filius quondam Domini Thomæ Campbel Militis Nigellus et Donaldus filius Macgilleon. I take this deed from the witnesses to be in or about the 1389 or 1390.<sup>1</sup> This Alexander Macnaughtan<sup>2</sup> the head of the familie of the tribe of the Macnaughtans married daughter of Duncan Cairdeney of that Ilk an antient family in the County of Pearthshyre sister to Robert, Bisop of Dunkeld who was preferred to that See as the learned Dr. Alexander Milne the Abbot of Cambuskenneth and the first President of the Session says in his history of the Bisops of Dunkeld<sup>3</sup> *per favorem Regis erga sororem* and was the lady the King Robert the 2<sup>d</sup> calls *dillecta nostra Mariota de Cairdeney* by whom he had three sons to whom by distinct charters he gave lands that are still extant in the Publick Archives. By this ladie the Laird of Macnaughtan had issue Duncan his successor and a second son Donald<sup>4</sup> who having a spirit and genius to learning was bred by the Bisop of Dunkeld his uncle in a view of the service and at the time appointed by the Canons he entred into holy orders but what was his particular station in the Church before he was Dean of Dunkeld I know not.<sup>5</sup> Becing a person of learning reputation and integrity he was elected Bisop of Dunkeld on his uncle's death the 17<sup>th</sup> of January 1436, here he sat for

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<sup>1</sup> The date of this charter must be a good deal prior to 1389. Gregory places it 'early in the fourteenth century.' It was the occasion of trouble later on.—*History*, p. 34.

<sup>2</sup> Robertson's *Index* contains this entry among the charters of Robert III. : 'Carta. con. by Colin Campbell of Lochow to Maurice M'Naughtane of sundrie lands in Over Lochow, with ane taillie, which are evill to be copied.' They are given as Strongartwne, Achinynnyde, etc., in Dr. Maitland Thomson's volume of the *Reg. Mag. Sig.*, App. II. 1940.

<sup>3</sup> Bannatyne Club, 1823, p. 16.

<sup>4</sup> Whoever may have been the wife of Alexander MacNaughtan, and the mother of his son Duncan, it is to be noted that Donald MacNaughtan, who was nephew *ex sorore* to Bishop Robert de Cardeny, is described (*Calendar of Papal Registers*, vol. viii. pp. 368 and 628) as 'the son of an unmarried nobleman and an unmarried woman.'

<sup>5</sup> He was rector of Weem, and also held the prebends of Logy in Dunblane, and Invernochty in Aberdeen.

near about three years till his death in the year 1439<sup>1</sup> and was succeeded in the See by the ever celebrated Bisop Kennedy afterward Bisop of St. Andrews.

Duncan Macnaughtan of Dunderaw the nixt of the line of the house of Macnaughtan lived under James the 1<sup>st</sup> as Gilbert his son and successor did in the days of James the 2<sup>d</sup> and 3<sup>d</sup>.

This Gilbert Laird of Macnaughtan came to hold his estate of the house of Argyle which had heretofore held of the Crown. I can assign no reason for it but that the Campbells having by this time risen to be one of the first families in the nation and weel able to protect their frinds and vassals from the oppressions or insults of their neighbours and that it was easier and less chargable to hold of a subject then the Sovereign. But these are only my own conjectures however. Certain it is that he chose to hold of the house of Argyle and therefore takes a charter from Colin the first Earl of Argyle who was Chancellor to King James the 3<sup>d</sup> in the year 1473 of the lands of Dunderaw and others upon his own resignation and this is the first charter the house of Macnaughtan have from the family of Argyle. This Laird of Macnaughtan married Jean daughter of Sir John Lawmont of Ineryne Chief of the Clan Lawmont a very antient family in Cowall and had by her a son who was his heir vidt.

Alexander Macnaughtan of Dunderaw who was a gallant brave man. He accompanied the Earl of Argyle with other of his vassals and frinds to the unfortunate batle of Flowdon where he was slain with King James the Fourth and four or five thousand of the noblest and worthiest of the Scots nation on the memorable 9<sup>th</sup> of September of the year 1513. He left issue by Helen his wife daughter of Sir James Scrimgeour of Duddop Heritable Constable of Dundee, ancestor to the Earls of Dundee,<sup>2</sup> who had the Barony of Kilmichell of Glastrie in

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<sup>1</sup> Bannatyne Club, 1823, p. 17. He died while on his way to Rome for confirmation.

<sup>2</sup> Sir James Scrimgeour was created Viscount of Dudhope in 1641. His grandson, the third viscount, was created Earl of Dundee in 1661. On his death in 1668 the titles became dormant or extinct,

Argyleshyre long in their family who for the greater support and frindship in the Highlands made frequent marrieges and alliances with the gentry in those parts. By this lady the Laird of Macnaughtan had a son who was his heir and successor,

John Macnaughtan of Dunderaw who was invested in his estate by a charter from the Earl of Argyle as heir to his father.<sup>1</sup> He married Marjory daughter of Archibald Campbel of Glenlyon who was a son of Sir Duncan Campbel the second of the line of the house of Glenurchie by whom he had John Macnaughtan of Dunderaw his son and heir who married Agness daughter to Maclean of Lochbouie an antient family in Mull in Argyle-shyre lineally descended of a brother of the first founder and ancestor of the house of Maclean of Dowart the Laird of Maclean.<sup>2</sup> By her he had thrie sons that came to maturity Alexander the eldest died unmarried and without succession Malcolm the second son who succeeded his brother; John the thrid son, who went to England with King James 6 whom he long servd in the qualitie of ane of the Pages of honour to that Great Monarch.

Malcolm Macnaughtan of Dunderaw the nixt Laird of Macnaughtan married Elizabeth Murray daughter to Donald Murray, Esq. son to Patrick Murray of Achtertyre in the County of Pearth by whom he had a son who was the heir of the family Colonell Alex<sup>r</sup> Macnaughtan.<sup>3</sup>

In a paper on Scottish Archery read before the Society of Antiquaries on 30th January 1826, Mr. Gregory drew attention to the extraordinary fact that as late as 1627 a company of two hundred Highland bowmen was raised for service in the war with France! The commission to raise this seemingly archaie force was given to Colonel Alexander MacNaughtan, and it was intended that it should be employed in the Duke of Buckingham's expedition for the relief of La Rochelle. Whatever became of

<sup>1</sup> Sir Robert Douglas does not give this John Macnaughtan, *Baronage*, p. 419.

<sup>2</sup> See p. 23 and note.

<sup>3</sup> For later generations see Douglas's *Baronage*, pp. 419 *et seq.*

the bowmen they were too late for that expedition. But there is no doubt that they were duly recruited. In his paper Mr. Gregory incorporated various original documents, including the muster roll of the bowmen, which, it is thought, may be suitably reprinted here.

ROLL OF M'NACHTANE'S Soldieris schipped at Lochkerran,  
11th December 1627—fra then to the 28th of  
December inclusive.

The names of the Soldieris Schipped be the laird of  
M'nachtane in george massones Schip at Lochkilcherane,  
begining the 11th day of december 1627.

11th Dec. 1627.

Alexander M'nachtane, Cap.	Malcolme m'gilliwie.
Hector M'allester, Leiuten-	Johne camron.
nent.	26 Allester caddell, pyper, and
Malcolme M'neill, ensyne.	a boy. <i>Enterit ye 12</i>
Mr Dougall Campbell,	<i>dec.</i>
scriver.	Johne dow m'gillie michell.
Willieme Don.	Johne m'clarglane.
Johne M'phaie.	Donald m'condoquhy.
William fraser.	Hutcheon murray.
thomas sutherland.	Johne m'callum.
Donald m'maller.	Robert gordoun, gentleman.
William sutherland.	Philip m'neill.
Donald murray.	Patrik multhallen.
John campbell.	Weir m'arthour.
Owen forbes.	William Colhoune.
allester m'Donald.	37 Johne Dunlop.
William campbell.	<i>Enterit ye 13 dec.</i>
Andrew roy alias reid.	Patrik M'Lachie. <i>Stole away</i>
Johne chisholme.	<i>be nycht out of ye Ship.</i>
Donald sunelache.	gillere m'nicoll.
William reid.	Patrik m'veane.
Rorie gow.	<i>Enterit ye 20 dec.</i>
Angus gun.	Cathell m'quhorie.
Allester howstoun.	Donald m'vadder.

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|------------------------------|--|
| Duncane m'plader.            | Johne m'vane.                            |
| Gillespik m'kan.             | Archibald m'quhoire.                     |
| <i>Enterit ye 21 dec.</i>    | 75 hew m'millan.                         |
| Neill m'viker.               | <i>Thir (fourteen) ar the</i>            |
| William steill, pyper.       | <i>Lieutennent's men and</i>             |
| Johne colhoun of camstra-    | <i>sex in ye first roll.<sup>1</sup></i> |
| dane, and a boy.             | <i>Enterit ye 22 dec.</i>                |
| Walter colhoun, his sone.    | donald roy m'orew.                       |
| Archibald campbell, serjand. | Donald m'neill.                          |
| Mildonich m'callum.          | Johne m'neill.                           |
| Johne m'finlay.              | <i>Enterit ye 28 dec.</i>                |
| Donald Germoch m'Donald.     | Duncan m'kintyre.                        |
| Jon. m'condoquhy vic         | Johne m'kilven.                          |
| callum.                      | Ovan m'kay.                              |
| Jon. reoch m'neill.          | Johne mackalman.                         |
| Vmphra m'indullam.           | Archibald makeller.                      |
| Patrik Dennestoun.           | lachlane m'neill, ye en-                 |
| hector m'cleane.             | signe's broyer.                          |
| hector m'cartane.            | Duncane m'sparren.                       |
| Archibald m'clartic.         | Duncane m'gillespy.                      |
| 61 Harie m'gra, harper fra   | gillechrist m'gillespik.                 |
| Larg.                        | gillechrist m'baxter.                    |
| Angus m'allaster.            | Johne M'Donald vic kay.                  |
| Duncane m'allester bane.     | Neill m'kay, his sone.                   |
| Johne dow m'allaster.        | Johne m'gillimertine.                    |
| Duncane m'allester.          | Johne m'kinquorcher.                     |
| Donald m'michael.            | John m'kilvane.                          |
| Malcolme m'kiltosche.        | Allester m'Nachtane.                     |
| Neill dow.                   | Robert naper, gentleman.                 |
| Lachlane m'staker.           | Rorie gun, alias makmach-                |
| Johne m'michell, neill oges  | ane.                                     |
| sone.                        | Lachland m'kachan.                       |
| Johne m'michaell.            | — m'andro alias saymen.                  |
| Malcolme m'millan.           |  |

<sup>1</sup> 'In the original Roll the names are arranged in two columns. The first ends with No. 61, the second includes the rest.' (Note by Mr. Gregory.)



*The names of the foure soldieris sent be m'kynnon,  
schipped at tarbert, 17 Octo. 1627.*

John m'william.

Neill m'spyenner.

Murdo m'korren.

Donald m'gillichallum.

*To be Disposed of be the erle of morton.<sup>1</sup> They have bene  
deir guests.*

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<sup>1</sup> He was Secretary of State at the time.

A SUCCINCT ACCOUNT OF THE FAMILY  
OF CALDER

## INTRODUCTORY NOTE

THE Reverend Lauchlan Shaw, to whom this history of the family of Calder is attributed, is said to have been born at Rothiemurchus between 1685 and 1690. He became minister of Kingussie in 1716, and of Calder in 1719. In 1734 he was translated to Elgin. He resigned his charge in 1774, and died in 1777.

During his long life he devoted much time to historical investigations, and was diligent in the study of original documents as opposed to mere current tradition. He had access to the charter chests of many old families, and made good use of the opportunities which he enjoyed. His best-known work is *The Province of Moray*, which, according to Mr. Cosmo Innes in 1837, was still the best district history of Scotland. The short notice of the Calder family there given is obviously based on what is now printed. In *The Thanes of Cawdor* Mr. Cosmo Innes made free use of it also. But it contains a good deal that is here made available for the first time. The author frequently refers to the documents on which he founds, and many of them are printed in the *Registrum Episcopatus Moraviensis*, *The Thanes of Cawdor*, and *The Family of Kilravock*.

## A SUCCINCT ACCOUNT OF THE FAMILY OF CALDER

CALDER is a local surname assumed from the situation of that place ;—Cale signifies wood and dor water so Caldor is a wood between waters and such there is near the house of Calder.

The antiquity of the family of Calder of that ilk cannot be questioned and the representers of it retained the title of Thane<sup>1</sup> to about the year 1500. How early the family began or in what year or time they got the title of Thane I find not ; and the first mention of it I have found in history as follows.

The tyrant MacBeath who usurped anno 1040 caused cut off the Thane of Calder and others who would not submit to his tyranny. I know that Buchanan calleth that Thane the Thane of Nairn probably because he was informed that the Thane was Constable of the King's Fortalice at Nairn, and Sheriff of that county : but a Thane of Nairn different from the Thane of Calder is not known in history or by tradition. This is somewhat illustrated by the visionary story related by our historians vizt. MacBeath and Bancho (in the reign of K. Duncan) travelling in a wood were met by three weirds or fairy women ; the first saluted MacBeath, Thane of Glamis, the second, Thane of Calder, and the third, King of

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<sup>1</sup> For information as to Thanes the reader is referred to Robertson's *Scotland under her Early Kings*, ii., Appendix N ; Innes's *Scotch Legal Antiquities*, pp. 79 *et seq.* ; Skene's *Celtic Scotland*, iii. p. 246. The erroneous views at one time held by writers of repute may be found in Skene's *Highlanders of Scotland* (1836), p. 256, and Hill Burton's *History of Scotland*, i. p. 372. In *Celtic Scotland* Skene, without specifically referring to them, summarily disposes of his own earlier views !

Scotland. This is unequal dealing said Bancho to give my companion all these honours, and none at all to me; one of the weirds replied, thou shalt not be King, but out of thy loins will come Kings that will for ever rule Scotland. MacBeath was soon created Thane of Glamis, and to accomplish the prediction he cut off the King and the Thane of Calder. Although I pay small regard to apparitions, yet this story handed down by many historians shews that MacBeath caused cut off the Thane of Calder.

This family is not mentioned in the reign of K. Malcolm Canmore. Our histories agree that this King restored the estates of those who had been cut off by MacBeath to their children and gave lands to such as deserved well, it cannot then be doubted that he restored to the son of the Thane of Calder to his paternal estate. In this reign many new surnames arose taken from lands and among these local surnames Calder is one to which let me add that Mr. Hume<sup>1</sup> in his History of the family of Douglas relates that 'when Buchanan was writing his history an excerpt was sent from Icolmkill to him bearing that in 1060 Malcolm Canmore created some Earls, some Barons, and Knights and that among the Barons was Hugo de Cadella.' In the reign of K. Alexander the first which commenced anno 1107, a conspiracy was formed by the Moravienses against the Crown, but that King drove the traitors throughout Moray to the hills of Ross, and a manuscript account of the family of Fraser of Lovat bears that it was Alexander Thane of Calder who discovered the conspiracy and that the King in his return conferred his lands and Thanage of Calder.

These hints make it very probable that the family of Calder flourished as early as the beginning of the eleventh century.

I now proceed to give a certain account of the family of Calder from the writings thereof.<sup>2</sup> I cannot but observe

<sup>1</sup> Hume of Godscroft. Edition of 1820, p. 14.

<sup>2</sup> The oldest writ in the Cawdor charter chest is a charter by Alexander II. dated 1236, of the lands of Both and Banchor to Gilbert Ostiarius. This person, by the perversity of a later scribe presented as Alexander Horstrot, seems to



that among these writings few contracts of marriage or testamentary wills are to be found by which the inter-marriages with families of distinction and the branches of the family cannot easily be accounted for.—I begin with

I. DONALD THANE OF CALDER. In the year 1295 Hugo de Roos Baron of Geddes called an inquest to estimate the annual value of the Baronies of Geddes and Kilravock, and upon the inquest were Robertus Falconarius, Dovinaldus Thanus de Calder, Wilielmus Thanus [de] Moythes etc. [*penes Kilravock*].<sup>1</sup> I find not this Donald's marriage, nor his children unless that he was succeeded by his son.

II. WILLIAM. K. Robert Bruce granted a Charter of the Thanagium de Calder infra vicecomitatum de Invernairn Wilielmo de Caldor propter servitia debita et consueta tempore Alexandri Regis predecessoris nostri ultimo defuncti apud Lochrian 7<sup>mo</sup> Aug<sup>si</sup> An<sup>o</sup> Regni 4<sup>to</sup> A.D. 1310 [*penes Calder*].<sup>1</sup> This Charter makes it probable that the Thaness were possessed of the estate of Calder a considerable time before King Robert Bruce's reign. William's son—

III. ANDREW. Tradition bears that this Thane was killed by Sir Alexander Raite of that ilk, who thereupon fled the country and went to the south. Andrew's son was

IV. DONALD. This gentleman was served heir to his father Andrew 1405 [*penes Calder*] and on a precept by Robert, Duke of Albany of date 11 July 1406, he was on Nov<sup>r</sup> 15<sup>th</sup> that year saised in the office of Sheriff and Constable of Nairn [*ibid.*]. He purchased the lands of Dunmaglass in Strath Nairn from William Nairn of Balquhonzie and was infeft therein 20<sup>th</sup> June 1414, and in 1419 he purchased the lands of Moy in Moray from the Earl of Ross, he likewise in 1421, bought from Henry,

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have been a member of the once powerful family of Durward, and it is quite possible that he may have been the ancestor of the Cawdor family (*The Family of Kilravock*, p. 61).

<sup>1</sup> Reproduced in facsimile in *The Thaness of Cawdor*.

Bishop of Moray the lands of Urchany beg within the Barony of Fothryves and parish of Calder, paying an annual feu duty of thirteen shillings and four pence Scots [*Chart. Morav.*]. I find not when this Thane married but he had a son and successor vizt. William, and tradition bears that he had another son named Hugh of whom Calder of Asswanley in the county of Banff is descended. This Hugh Calder (called Hutcheon More) attended the Earl of Huntly in the battle of Brechin against the Earl of Crawford in May 1452. Crawford being defeated fled southward, and being at supper in his own house at Finhaven a false alarm was raised that Huntly was at hand, in the confusion this occasioned Hugh Calder who had been a prisoner made his escape, and brought with him a silver cup, out of which Crawford drank, and shewed it to Huntly at Brechin as a token that Crawford and his army had fled precipitately southward. Huntly received the news with pleasure and the more that he wanted to haste north against Arch<sup>d</sup> Douglas, Earl of Moray who in Huntly's absence burnt the Castle and lands of Huntly. Upon his return Huntly gave Hugh Calder the lands of Asswanley and George, first Duke of Gordon gave Mr. Calder of Asswanley a gilded silver cup weighing to the value of 12 pounds 13 shillings sterling to be kept in memory of this action under the pain of doubling his feu duty if he lost that cup [*Hist. Gord.*].<sup>1</sup> Of Asswanley is descended Calder of Muirtown in Moray, James Calder son of Asswanley was merchant in Elgin and father of Thomas, Baillie of Elgin, father of Sir James of Muirtown, Baronet, knighted 5 Nov. 1686, father of Sir Thomas, father of Sir James.

V. WILLIAM. Thane of Calder. Among the writings of the family of Calder, there is a precept dated August 17<sup>th</sup> 1442, by Alexander de Yle, Earl of Ross, and Lord of the Isles directed to the Sheriff Depute of Inverness, his bailie in that part for infefting William de Calder as heir to his father Donald in the Thanage of Calder, offices

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<sup>1</sup> By William Gordon. Edition 1718, p. 69.

of Sheriff and Constable of Nairn, the assise of ale and fishes in that town, and in the lands of Beath and Banchar and the half of Raite and Miln thereof and a yearly rent of six merks out of Belmakeith. This precept shews that the Sheriffship of Nairn held of the Earl of Ross *in capite* and was at that time a deputy Sheriffship of Inverness which comprehended the now counties of Nairn, Inverness and Cromarty, Ross, Sutherland and Caithness, and that extensive jurisdiction being forfeited and annexed to the Crown with the Earldom of Ross anno 1476. The Thane of Calder obtained a charter of the Sheriffship of Nairn holding immediately of the Crown. This Thane is said to have been one of the gentlemen that accompanied William, Earl of Douglas anno 1450 to the Jubilee at Rome, but this is not certain. The kingdom and especially the northern parts of it, being at that time seditious and unruly the King gave to noblemen and others licenses to build and garrison fortalices or towers, such a Royal license was granted to this Thane dated 6 August 1454. The Thanes had formerly resided as Constables in the King's Castle in Nairn, and their country seat was at what is now called Old Calder an half mile north of the present seat. There they had a stank house or a house surrounded with a dry foss having a drawing bridge, the vestiges whereof are yet to be seen, and for the convenience of the family they had a chapel of Ease whereof a part of the walls remain. Upon obtaining the said license, this Thane built the Tower of Calder with a dry ditch, a draw bridge, and a private chapel within the Court. Tradition bears that the Thane was directed in a dream to build the Tower round a hawthorn tree on the bank of the rivulet and there is in the lowest vault of the tower a hawthorn growing out of the rock still firm and sound and strangers are brought to stand round it each to take a chip of it and then to drink to the hawthorn tree prosperity to the family of Calder. The Tower of Kilravock was built 1460, and about the same time were built the Towers of Dallas, Earnside and Burgie. I find not when this Thane married or what children he had more than his son and

successor William. It is not improbable that a son of this Thane was the gentleman of the name of Calder that founded the family of de la Campana in Tholouse in France (*Lisb. Fac.* 2<sup>d</sup>).<sup>1</sup>

VI. WILLIAM succeeded his father and is mentioned in several writes extant. Precept of assising [seisin] on a Charter by John of Yle, Earl of Ross in favour of Margaret Sutherland (heir served and retoured to Alexander Sutherland<sup>2</sup> of Dunbeath her father) and William of Calder son and apparent heir of William Thane of Calder her husband and the longest liver of them and their heirs in the lands of Kindess dated 21 Sep<sup>r</sup> 1458.

This Thane after the death of his father purchased the lands of Invermarkie and obtained Charter thereof from John, Earl of Ross dated 6 Nov. 1467 and in 1471 he bought from Andrew Leslie, Master of the Hospital of Spey with consent of the Bishop of Moray the Miln of Nairn with the loft and pertinents thereof. Having now an opulent estate he in May 29<sup>th</sup> 1476 obtained a Crown Charter of the Thanage of Calder, the Baronies of Clunies and Beath Belmakeith, half of Raite Moy, Dunmaglass,

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<sup>1</sup> Whatever this inscrutable reference may mean, the statement in the text is supported by Bishop Lesley in his *History*, Book VIII—Year 1452. The passage is as follows: Charles VII. of France, ‘aliquot Scotorum duces, qui strenuum illi et fidelem operam in his expeditionibus navabant, amplis donavit muneribus, prædia in Aquitania satis opima illis tribuens; qui fixas sedes sibi et posteris ibidem statuentes nonnullis praeclaris familiis originem dederunt, e quibus est illa illustris admodum Caldelli de la Campana familia Tholosae, etiamnum hodie florens: quae a Caldello Thano Barone, et in septentrionali Scotia equite, ortum habuit. Avus etiam illius, qui hodie familiae princeps est Octoviti seu ut vocant capitolini (is inter primos est in civitate Magistratus vulgo Capitolatus dictus) munere probe functus est; confirmata hoc nomine posteris, quam a majoribus habuit, nobilitate. Filius, vero hujus Petrus Caldellus Senator in suprema Tholosana curia (Parlamentum dicitur) propter suam eruditionem et prudentiam magno in honore ad grandævam usque aetatem vivens ab omnibus habebatur. In cujus locum Ioannes, Petri natu major filius Senator hodie clarissimus est suffectus: alii quoque filii variis muneribus in eadem Rep. cum honore funguntur.’—Bishop Lesley, *De origine etc. Scotorum*. Romae, MD.L.XXVIII. New edition, 1675.

<sup>2</sup> His interesting testament and inventory are printed in *The Bannatyne Miscellany*, iii. 91. She was not her father’s heir, and the deed cited, which is printed in *The Thanes of Cawdor*, p. 49, does not support the statement in the text.



the two Kinikells, Kindess, Invermarkie, Mulchoich, Drummarnie, Ferntosh, and other lands hereby united in one free Thanage with the privileges of a Barony, and such of these lands as lie in the shires of Inverness and Forres shall answer to the Sheriff Court of Nairn. Of this Charter he got a confirmation in 1477, and it is in consequence of this charter that Ferntosh in Ross, Moy in Forres, and Dunmaglass in Inverness counties are to this day a part of Nairnshire. This Charter was specially necessary at that time because several of these lands held of the Earl of Ross, and that Earl having been forfeited in 1474, and the Earldom annexed to the Crown in 1476, to prevent the King to claim a right to any of those lands, the Thane wisely took out this Charter.

This Thane was twice married, first to Margaret Sutherland above mentioned, and after her death to Janet Keith daughter of Inverugy. I find he had a daughter Marjory married to Hutcheon MacIntosh grandson to the Laird of MacIntosh in 1483. Her portion was 40 pounds Scots. The Thane had likewise five sons vizt., William, John, Andrew, Alexander, and Hutcheon, and being greatly advanced in years, and his eldest son William being lame and weak the Thane entailed his estate to all his sons and their lawful issue, whom failing to one failing another, all which failing to the Thane's other heirs and specially providing the immediate succession after his own death to his second son John. Upon this tailzie he obtained a Charter and his brother William approved of the tailzie and of the provision in favour of John. The Sheriffship and Constabulary with the assize were granted to William and 20 pounds Scots annually till he should be provided in a Benefice of Holy Kirk and was afterwards made vicar of Evan, now Calder parish. This William afterwards resigned the Sheriffship Constabulary and Assize in favour of his brother Hugh and from Hugh, Sir John Campbell purchased these offices.

VII. JOHN, the second son of the Thane succeed[ed] his father who with Hugh Rose of Kilravock, by an Indenture of May 10<sup>th</sup> 1492 agreed that John should marry Isabel,



daughter of Hugh junior of Kilravock with a portion of 600 pounds Scots. When the marriage was completed William the old Thane resigned the estate reserving to himself an annuity, and his son John obtained a Charter under the Great Seal 2 Nov. 1494. The Thane William lived till near the year 1500, and his son John having died in December 1494 [*Kilravock Hist.*] left by his marriage one posthumous child vizt. Murell or Marion. This lady was born in December 1494 or beginning of 1495, and being the heiress of an opulent fortune Kilravock projected to marry her to his grandson and took her mother and her into his family, but the Earl of Argyle coming to the knowledge of this contrived to bring her into his own family and soon found an opportunity of effecting this vizt. Kilravock younger had in the year 1492 joined Duncan, Laird of MacIntosh in spoiling the lands of Alexander Urquhart of Cromarty and was criminally prosecuted by Cromarty. Argyle who was Justice General in Scotland got Kilravock assoilzied and discharged on paying 800 merks with action against MacIntosh for relief, to obtain this favour Kilravock agreed to deliver Muriel to Argyle, and to make the agreement sure Argyle and Kilravock obtained a gift of Tutors dative and the ward of their marriage was granted to Argyle by the King's gift Jany. 16<sup>th</sup> 1495 [*penes Kilravock*]. The child was kept in the house of Kilravock, and Argyle gave Kilravock a bond of maintenance and friendship 1. Feby. 1499 [*ibid.*]. Tradition bears that she was brought to Argyle as follows.

In the autumn of the year 1505 Argyle sent Campbell of Inverliver with sixty men to receive the child and to bring her to Inverary under pretence of education in the south. The Lady Kilravock grandmother to the child that she might not be changed scared and marked her hip with the key of her coffer. As Inverliver was near to Dartulich in Strath Nairn he found himself close pursued by Alexander and Hugh Calders, the child's uncles, with a superior party, upon this he sent off the child with an escort of five men and faced about to receive the Calders

and to deceive them a sheaf of corn was dressed in some of the child's clothes and kept by one in the rear. The conflict was sharp and four of Inverliver's sons and some others were killed. When Inverliver thought that the child was at a good distance he retreated leaving the fictitious child with the pursuers. Little Muriel was brought safe to Inverary and Inverliver was rewarded with a grant of the twenty pound land of Inverliver. It is said that in the heat of the skirmish Inverliver cried, 'S'fada Glaodh o Lochow s'fada cabhair o Chlann O'Dhuine,' which has become a proverb signifying imminent danger and distant relief. Muriel was served heir to her father 3<sup>rd</sup> March 1502 [*penes Calder*] and in 1510 was married to Sir John Campbell son of Archibald the second Earl of Argyle upon 17 Feby. 1511. Muriel resigned and took out a Charter to herself and her husband dated 22 Feby. 1511 erecting all the lands in a free Thanage and Barony called the Barony of Calder [*penes Calder*].

## THE FAMILY OF CALDER OF THE SURNAME OF CAMPBELL

I. SIR JOHN CAMPBELL his patrimonial fortune was the Barony of Muckarn in Lorn where he resided for some time. I find a bond of annuity between him and Hugh of Kilravock of date 13 Feby. 1528, and the like bond betwixt him, the said Kilravock, Hector Munro of Fowles and Hector MacIntosh, Tutor to the Laird of that name April 30<sup>th</sup> 1526. Sir John made considerable acquisitions in 1528, he purchased from Sir Hugh Calder the offices of Sheriff and Constable, 1533, he paid 1300 merks Scots to John Ogilvy of Carnucie for the lands of Geddes and Raite and the Fortalice of Rait. In 1535 he purchased from David, Earl of Crawford for 1000 pounds of gold and silver the Barony of Strathnairn with the Fortalice of Castle Daviot and the right of patronage of the Kirk of Dunlichity and was infest 17 Feby. 1536, and in 1545 he bought from Patrick, Bishop of Moray the Kirk lands of

Flinesmore and was infest therein in 1521.<sup>1</sup> Lachlan MacIntosh Captain of Clan Chattan gave a bond of maintenance to Sir John,<sup>2</sup> and 17 Jany. 1545 a contract of annuity was entered into between Sir John, Archibald his son, James Grant of Freuchie and John his son, John of Kintail, and Kenneth his son, Alexander of Belnagown and Robert of Fowlis, Sir John was in so great account that he was a member of the Privy Council in 1543 and was one of the Commissioners sent to England that year to treat of a peace. He died in winter 1545 and left a numerous issue vizt. 1. Archibald his successor. 2. John, Prior of Ardchattan and afterwards Bishop of the Isles. 3. Donald of Kirktown. 4. Duncan who died a batchelor. 5. William, killed in Islay. 6. Alexander of Flinesmore. 7. Catharine,<sup>3</sup> married to James son of Lord Ogilvie, and 8. Jean, to Lord Lovate. 9. Marjory, to Ross of Belnagown. 10. Lady Fife Meldrum. 11. Isobel, Lady Rattray and 12. Ann, Lady Foly. Of Bishop John are descended the Campbells of Inverusrgan, Eriska, Ardchattan, Shenderland, Glenshalloch, and Lerde. Of Donald the third son came Kirktown, Sonachan and Balnabie. Of Alexander the sixth son or Thomas his brother came Duncan of Beath and Little Budgate, Moy, and from the Barons of Moy that land is now the property of Sir James Grant of Grant. Of Patrick of Beath second son of James of Moy is descended Campbell of Torrich and of a son of James of Moy came Archibald, Writer in Edinburgh, father of Archibald, Hugh and Colin.

II. ARCHIBALD. This gentleman married in his father's lifetime Isabel, daughter of James Grant of Freuchie, he was retoured heir to his father in the office of Sheriff

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<sup>1</sup> The charter is dated 25th June, and sasine was given on 1st July 1545 (*The Thaness of Cawdor*, p. 169).

<sup>2</sup> This bond, dated 10th August 1521, is printed in *The Thaness of Cawdor*, p. 140. Many other bonds of a similar character granted to him are also to be found in that work.

<sup>3</sup> She was married first to Alexander Dolles, younger of Budyett (*Thaness of Cawdor*, p. 164); second, to James, Master of Ogilvie; and third, to David, Earl of Crawford (*ibid.*).

Constable 10 Feby. 1546, and in the Barony of Strathnairn 1 March that year. He died about the year 1553<sup>1</sup> leaving a son who succeeded him, and a daughter Jean by whom the Earl of Argyle had a son vizt. Colin of Craig, and a daughter married to Sir Donald Campbell Ardnamurchan.

III. JOHN called John of Knepach was 15<sup>th</sup> Oct. 1563 retoured heir to his father in the Barony of Strathnairn 9 June 1573. Muriel Calder resigned all her lands retaining her liferent in favour of John and he took a Charter thereon. This shews that Muriel born in 1494 was now 79 years of age—in the year 1575 the lands of Arderseir and Easter and Wester Delnies were purchased. These were a part of the Church lands of the See of Ross and David, Bishop of Ross<sup>2</sup> disposed them in 1556 to his brother uterine Robert Leslie whose son conveyed the rights to Calder 25 March 1575. But the Laird of MacIntosh claiming a dutchus<sup>3</sup> or possession of Arderseir would not grant peaceable access which for some years occasioned bloodshed and oppression insomuch that MacIntosh and some of his Clan were outlawed and by a special agreement and contract 17 June 1581 betwixt Campbell of Calder and Lachlan MacIntosh of Dunachtan, the said Lachlan renounced all rights to Arderseir and obliged himself and his Clan that Calder should peaceably possess and Calder forgave all slaughter, theft and oppression committed and obliged himself that the said Lachlan and his friends shall be released from the horning against them. This Calder was a man much and justly esteemed by all who knew him, and yet was basely murdered by his own cousins brother to Campbell of Lochnell.<sup>4</sup> But

<sup>1</sup> December 1551 (*Thanes of Cawdor*, p. 172).

<sup>2</sup> David Paniter, Bishop of Ross, was the son of Margaret Crichton, natural daughter of William, Lord Crichton, by the Princess Margaret, daughter of James II. His father is said to have been Robert Paniter, Abbot of Cambuskenneth. Robert Leslie was Margaret's son by her husband, George, Earl of Rothes.

<sup>3</sup> *Dutchus*, a Gaelic term indicating hereditary right of possession of some kind. See Jamieson's *Scottish Dictionary*, sub voce *Duchas*.

<sup>4</sup> This matter is dealt with at length in the present volume, *vide post*, pp. 142 *et seq.*



Argyle as Justice General caused apprehend, try and hang the murderer. John thus died in 1592 having by his Lady, Marion Keith<sup>1</sup> daughter of William, Earl Mareshal five sons and two daughters vizt. 1. John who succeeded him. 2. Alexander, Archibald and William who left no issue, and 3. Colin of Clunes. 4. Margaret, married to Sir James Macdonald of Islay. 5. Beatrix to M'Donachie of Glenfichan. Colin of Clunes had a son Lachlan of Dell in Islay and a daughter Mary married to Thomas Grant of Belmacaan, John of Kneppach had likewise two bastard sons and two daughters. The eldest son was Sir Donald Campbell of Ardnamurchan, the second son was Duncan More who left no issue. Of the daughters Jean was married to Dallas of Cantray, and Eupheme to James Campbell of Achindown in Calder.

IV. SIR JOHN called John Roy was retoured as heir to his father 1 June 1596. He was a man of activity and business, and to strengthen his rights he obtained from John Keith of Ravenscraig the patrimony of the Church of Arderseir 8 Augt. 1599 and confirmed by a Charter 14 Feby. 1600. And Sir John was infeft in all these 31 March 1606. He was the more solicitous to have these patronages secured because in 1606 the temporal Jurisdiction of Bishops was restored by Parliament and he would avoid all interfering with the Crown or with the Prelates. The Barony of Strathnairn had been by Sir John's father sold to the Earl of Moray who feued it to Ogilvy of Finlater. Sir John obtained from the Earl of Moray a renunciation dated 11 Nov. 1608 acknowledging that he holds not of the Crown but of Sir John the lands of Muckle Davie and Fortalice Little Budgate Conclachie Muckle and Little Cragies Aberchalladers, Aberardie, Delcromby, Letterchulane, Bruins, Flichitie, Far, Inverarnie, Gask, Wester Large, Holm Taibe and Drummurnie. At the same time Sir John purchased the Barony of

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<sup>1</sup> She predeceased him, and his widow was Jean Lauder (*Thanes of Cawdor*, p. 220), who is said to have married, first, Sir James Forrester of Corstorphine; second, Sir John Campbell; third, John Lindsay of Menmuir; fourth, Robert Gray of Cranslie.



Durris which lands had been a part of the estate of Sir Alexander Dunbar of Westfield given by him to his son David in 1495. They were erected in a Free Barony in 1599 and now they are disposed by Mark Dunbar 4 August 1608. The lands of Borlum lying contiguous to this Barony Sir John purchased them from James, Earl of Moray with the Fortalice of Borlum, the fishing, the lands of Conlard and Kinchyle, the Loch of Lochindorb and the houses within it *cum adjacentibus shilengis*. These the Earl disposed 31 Oct. 1606 on all which Sir John got a Charter 28<sup>th</sup> Oct. 1609. Likewise Alexander Earl of Dunfermline disposed to Sir John 12 Feby. 1610 the patronage of Durris and of Dalcross (now a part of the parish of Croy) and the teinds which had belonged to the Prior of Urquhart in Moray. Colin Campbell of Beath disposed to Sir John 10<sup>th</sup> Feby. 1608, the lands of Little Budgate and Alexander Douglas Bishop of Moray granted Charters of Little Budgate, Little Urchany and Croy 8 Nov. 1609, as holding of him, and next year Thomas Calder and John his son disposed twenty-one roods and nine butts of land near to Nairn to Sir John. This Laird being now in possession of an opulent estate with the offices of Sheriff and Constable and the superiority of Strathnairn and Moy might have lived happy, preserved his fortune and transmitted it entire to posterity. But either ambition or a desire to purchase in his native country prompted him to meditate the conquest of the Island of Islay. The bloody and barbarous feuds that had long subsisted betwixt the Macdonalds and the Macleans occasioned the forfeiture of the former in Islay and Kintyre in the beginning of the seventeenth century. K. James the 6<sup>th</sup> made a grant of Kintyre and Islay to the Earl of Argyle on the hard terms of obtaining to himself peaceable possession or rooting out the possessors. The first could not be expected, and the second cost so much blood and treasure for forty years that the expence exceeded the purchase. Whether it was that Argyle obtained from the Crown a grant of the lands of Islay in favour of his cousin or if Sir John paid a valuable considera-

tion for them I will not determine, be this as it will, Sir John undertook the reduction of Islay and to find money sold his lands near Coupar in Angus, sold likewise the lands of Croy in 1617 to William Dallas of Cantray for 3000 merks, feued Dalmigavie 1614 to Lachlan MacIntosh son of Angus, and soon after feued out Borlum, mortgaged a great part of the Thanedom, and in 1617 sold the lands of Ferntosh to Lord Lovat from whom John Forbes of Culloden purchased them. I have not found, not having seen the progress of the rights of Ferntosh at what time these lands came into the family of Calder, but the very name of them the Thanes lands shews it was right early. Though the purchase of Islay was so dear yet for forty years peaceable possession was not obtained. Sir John in performance of a vow he made when at sea coming from Islay built the Church of Calder in 1619, and mortified to it two silver cups for the Communion service, the Church stood formerly at Bar Evan a mile south of where it now is.

Sir John was twice married, first with Ann, daughter of Sir Duncan Campbell of Glenorchie, and after her death with Lady Margaret,<sup>1</sup> daughter of William Douglas, Earl of Angus and had seven sons and two daughters vizt. 1. John, 2. Colin, 3. George, 4, 5, 6, 7 had no lawful issue, a daughter married to Dunbar of Grange and the other to Campbell of Sunderland, I find not the precise time of his death, vizt. Sir John's.<sup>2</sup> The branches descended of him are vizt. 1. Colin the second son who married Margaret daughter of David Brodie of Brodie and had three sons vizt. Hugh afterwards Laird of Calder, Donald of Bughole and Alexander. The second branch George the third son of whom is descended Campbell of Airds, likewise Campbell of Ochtermore. The third branch was Duncan the youngest son of whom came Arch<sup>d</sup> Roy Baillie of Islay and others.

V. JOHN called John Dow succeeded his father as appears

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<sup>1</sup> Her name was Elizabeth.

He died in 1653 (*Thanes of Cawdor*, p. 313).

by a Charter under the Great Seal 6 Feby. 1623 in favour of John son of Sir John of the Thanage and Barony of Calder, Barony of Durris and Kirkland patronage etc. and erected them in a free Burgh to be called the Burgh of Campbeltown with power to create Bailies, Constables, Serjeants and other officers with liberty to have a town house, and Market Cross, a weekly Market Wednesday and a fair to begin 15 July and to hold eight days, and that infeftment may be taken at the house of Calder. I observed above that the lands of Ardersier had been purchased from the Bishop of Ross, yet Lord Torphichen had a right to some Temple lands here formerly belonging to the Knights Templars and sold them to Mr. Thomas Rollock, advocate, with the office of Bailie and with a free Regality. Mr. Rollock disposed them 13 August 1626 in favour of John Campbell younger of Calder and 28 June 1633 an Act of Parliament was obtained in favour of John Campbell, Fiar of Calder ratifying all charters in favour of the family (unprinted Acts of Parliament) and 1 Jany. 1639 John Campbell younger disposed all his lands in favour of Colin his eldest son he had in 1626 feued the lands of Dunmaglass to Farquhar M'Gillivray. Whether the said writings imply that Sir John Campbell was alive in 1639,<sup>1</sup> but had put his son John Dow in fee of the north estate reserving to himself Muckarn and Islay I will not determine.

It is certain that this John Dow laboured under a deep melancholy or the hypocondria, and as I find in the Records of the Synod of Moray in 1639, that as such he was recommended to their prayers. In what year he died I find not but it appears in a decree of Locality for the parish of Calder that he was alive in the year 1650.<sup>2</sup> He married Elizabeth Urquhart daughter of Sir Thomas Urquhart of Cromarty. Their contracts bear date 19<sup>th</sup> August 1622, but their children died young excepting—

<sup>1</sup> See previous note.

<sup>2</sup> He was cognosed insane, and Colin Campbell of Ardersier, his immediate younger brother, was appointed his curator 19<sup>th</sup> September 1639 (*Thanes of Cawdor*, p. 263). He died in 1654 (*ibid.*, p. 313).

VI. COLIN. It appears above that his father had disposed the estate in his favour in 1639.<sup>1</sup> He was a youth of great expectation, but died at the University of Glasgow probably before his father's death and was succeeded by

VII. HUGH, son of Colin Campbell of Boghole was retoured as heir to his cousin german Colin 6 Feby. 1662. He entered on the estate with great disadvantages, the lands in the north were for the most part mortgaged and he had no peaceable possession of Islay yet he soon surmounted this last difficulty and planted Islay so with the men of his own name and family that the rents of it were peaceably and duly paid. He likewise made some valuable purchases. The Barony of Moyness, a part of the estate of Westfield given off in 1585 to John Dunbar a son of that family whose heirs 9<sup>th</sup> July 1634 disposed them in favours of John Grant of Logie who in 1635 got the lands of Breadland and Auldearn erected in a free Barony with a weekly market. John of Logie's son James on 30 Jany. 1668 disposed Moyness, Crachies, Golford, Moraylaws, Leylands, Earlseat, Clune, Milntown of Moyness, Boghole, Craighead, and Rait Coats in favour of Sir Hugh Campbell. He likewise purchased the lands of Meikle Urchany and the Line from Hugh Hay, fiar of Park, 22 May 1660 and purchased Rait Castle and Raitloan from John Hay of Lochloy 30<sup>th</sup> March 1678, and he redeemed several wadsets in the north, yet by these purchases he little advanced the fortune of his family for he mortgaged some lands in Islay and the lands of Moyness, Blackhills, Leylands, Forrich, Delnies and Meikle Budgate and in 1685 he feued out the lands of Kinchyle to William MacBain whose descendants enjoyed them till of late.

Sir Hugh Campbell was a gentleman of learning and knowledge and of great benevolence much reputed in Moray, an affectionate husband, an indulgent parent and

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<sup>1</sup> He died at Irving, *circa* 1650, the famous Medicinar, '*Donald O'Conochar, phisitiane*,' coming from Argyll to attend him (*Thanes of Cawdor*, pp. xxxi, 283, 303).



a mild master. During the persecution in the reigns of the two royal brothers, being Sheriff in the county of Nairn, he generally favoured the distressed Presbyterians screened many from rigorous prosecutions and was bail for some ministers in more than £1700 Sterling and after the Revolution he became no less friendly to the Episcopal clergy. When his eldest son married in 1688 Sir Hugh disposed the whole estate in his favour reserving the liferent of the estate in the north. From that time being aged and infirm he became indolent unexact in business and greatly burdened the estate having lived to the age of about 74 years he died in March 1716, and was interred in the aisle of the Church of Calder.

In January 1662 Sir Hugh married Henrietta Stuart daughter of James, Earl of Moray, a lady of shining piety and eminent prudence. She died in 1704. By her Sir Hugh had four sons and four daughters vizt. 1. Sir Alexander. 2. Sir Archibald of Clunies, born 28 December 1668, and died 1744. 3. Captain Colin died a bachelor. 4. Captain George killed in the Battle of Almanza 1707. He had married clandestinely one Ruth Pollock who about the year 1728 brought proof of her marriage and as assignee to her husband obtained in law a considerable sum from Mr. Campbell of Calder. 5. Margaret, married to Hugh Rose younger of Kilravock. 6. Jean, to John Urquhart of Meldrum. 7. Sophia, to Alexander Brodie of Lethen, and 8. Ann to Murdoch Maclean of Lochbuie.

Sir Archibald the second son married in 1688 Ann Macpherson, only child of Duncan of Clunie. She died in January 1727 and by her he had one Duncan, who married Katherine Trotter daughter of Morton Hall and had a daughter who died a maid in 1748. (2) Hugh, died a bachelor about 1740. (3) Alexander, lost at sea in 1718. (4) Colin, Doctor of Medicine, married Mary, daughter of Jonathan Forbes, Doctor of Medicine in Elgin and dying about 1739 left two sons and a daughter. (5) George, died a bachelor. (6) Gilbert did so likewise. (7) Charles, married Margaret Rose daughter of Kilravock and has left issue. (8) Isabel, married in 1718 to Robert



Duff of Drummuir and after his death to Arthur Gordon of Carnousie, has left issue by both husbands. (9) Jean, died a maiden. (10) Ann, married to Alexander Baillie of Dunain.

VIII. SIR ALEXANDER CAMPBELL had a liberal education both at home and abroad, and so well understood the Government laws and interest of his native country and of other nations of Europe that had he lived K. William with whom he was in great favour would as I am credibly told have made him Secretary of State for Scotland. He was a gentleman of the strictest virtue and honour, of most inviolable integrity and faithfulness.

His father living at Calder he resided in Islay and being a Member of Parliament, in the Recess he went from Edinburgh to Islay in the winter 1700 and died in his house in Kilaron and was buried in Kilchoman. He married in 1688 Elizabeth Lort, sister to Sir Gilbert Lort of Stackpole Court near Pembroke in South Wales. Sir Gilbert being unlikely to marry or to have issue disposed his estate in favour of his said sister and her heirs and upon Sir Gilbert's death she succeeded to the fortune. Sir Alexander had by this lady two sons and two daughters vizt., Gilbert who died a bachelor about 1708, John, now of Calder, Susannah, married to Sir James Campbell of Achanbreck and Ann to Edmund Morise, Esq. The estate in England being in the person of Gilbert's mother he could not enter upon it in her lifetime.

IX. GILBERT CAMPBELL eldest son of Sir Alexander succeeded his father, and having died in 1708 was succeeded by his brother—

X. JOHN CAMPBELL now of Calder. He was born in Oct<sup>r</sup> 1695 and had a liberal education ; during his minority his grandfather Sir Hugh liferented the Scotch estate in the north and the lands of Islay and Muckarn were his mother's dowry. When he arrived at the years of majority he found his fortune greatly burdened and embarrassed. Sir Hugh Campbell affected the north estate with some thousands of pounds. After Sir Hugh's death, Sir Arch<sup>d</sup> as factor in the north for seven years paid little debt and

made but a poor account of his intromissions. Mr. James Anderson, steward of the estate in Islay and Muckarn became insolvent and in debt above £2000 Sterling. The estate in England had many leases on it for lives. Calder's sisters were provided each to £7000 Sterling and were heirs of entail to each of whom he gave £1000, besides their portion for a discharge of the entail, and by good economy and prudent conduct he has extricated himself and possesses a fine and opulent fortune. By the Scots law he might have declined to pay the debt contracted by his grandfather while liferenter, yet he generously paid it all, but willing to have a free estate and to be disburdened of all debt, he found it necessary to sell his lands in Islay to Mr. Campbell of Shawfield<sup>1</sup> and the lands of Muckarn to Sir Duncan Campbell of Lochinell. He redeemed the mortgages of Moyness, Boghole, Blackhills, Meikle Budgate, Forrich etc. January 1747. The Parliament found it necessary to abolish old hereditary Jurisdictions in Scotland and to annex them to the Crown, but to grant to the proprietors a compensation for them; for the Sheriffship of Nairn Calder obtained £2000 Sterling, but for the Constabulary and Regality of Arderseir he obtained no compensation, this having been lost *non utendo*. Mr. Campbell married in 1726 Elizabeth Pryse the daughter of and heiress of Pryse of Gogerthen in North Wales; from that time he has always been a member of Parliament to the year 1754. In 1741 he was preferred to be one of the Lords Commissioners of the Admiralty which in 1746 he exchanged for being a Commissioner of the Treasury and his last office he resigned in 1754 inclining to live in more private life in his advanced years. By his Lady he has three sons vizt. Pryse, John and Alexander—Ann married to Lord Forteseue in June 1752. Mr. Pryse Campbell the eldest son was a gentleman of the strictest virtue, and great honour and benevolence, he was early brought into Parliament and so much regarded by His

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<sup>1</sup> The modern family, well known as Campbell of Islay, was accordingly Campbell of Shawfield, a cadet of Ardkinglas.

Majesty that he was appointed one of the Lords of the Treasury. He married Sep<sup>r</sup> 22<sup>d</sup> 1752 Sarah Bacon daughter of Sir Edmund Bacon of Garboldisham Premier Baronet of England with whom he lived in the warmest affection, the greatest harmony, and most inviolable fidelity, till his Lady falling into a lingering consumption of which she died; his attending her so closely and with such tender care and deep concern affected his health and he died at Bath 14 Dec<sup>r</sup>. 1768, leaving six orphan children vizt., Mary, born 21 Dec<sup>r</sup> 1753, John, 24 April 1755, Alexander 14 Sep<sup>r</sup> 1756, Sarah, May 8<sup>th</sup> 1758, George, 14 August 1759, Charles, 28<sup>th</sup> Sep<sup>r</sup> 1763, Henrietta 16 Nov. 1761, died very young.

John Campbell Hooke, second son, was immediately after the death of Alexander Brodie appointed Lord Lyon King of Arms for Scotland in March 1754. He married Eustathian, daughter of Basset of Heaton Court in the county of Devon, Esq. by Courtenay he had one son Mathew, born 4 Nov. 1763 and 4 daughters, Henriet born 6 October 1764, Eustatia, August 14<sup>th</sup> 1766, Charlotte, January 1768 and Louisa 18 Sep<sup>r</sup> 1772.

Alexander the third son, a Lieutenant Colonel, married Frances, daughter of Philip Meadows, second son of Sir Philip Meadows late Knight Marischall and Lady Frances Pierpont, sister of Evelyn, Duke of Kingston, by whom he had one son Hendry Frederick born 10 July 1769 whose mother died the 17<sup>th</sup> of the same month, and he was left an orphan by his father 16 May 1773, and Mrs. Campbell of Calder died at Stackpole Court 18<sup>th</sup> October 1773.

Thus Divine Providence in a few years made several breaches in this honourable family, yet has mercifully spared the good old gentleman to look to the virtuous and Christian education of these his orphan grandchildren.

On the lintel of the chimney in the old Hall of Calder are the following letters engraven I<sup>s</sup> C & M<sup>p</sup> C, MDX. with this legend Ceri, mani, memineris mane (*i.e.*) in obsolete Latin Early remember thy Great Creator—this shews

that they were married in 1510, and that probably Sir John built that western part of the Court and the Chapel.<sup>1</sup>

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<sup>1</sup> 'The curious chimney-piece at Cawdor, which bears the arms of Campbell and Cawdor quarterly, the initials of Sir John Campbell and Muriel Cawdor, and the date of 1510, evidently has reference to that marriage, though the style of sculpture, the occurrence of tobacco pipes, and indeed the architecture of that part of the house leave no doubt that it was the work of at least a century later. The affected language, as well as the piety of the Latin inscription, also savours of a later period, when early Puritanism was also coupled with pedantry. *Ceri manī meminēris manē* means merely, *Remember in the morning the good Creator*' (*Thanes of Cawdor*, p. 123).





PAPERS RELATING TO THE MURDER OF  
THE LAIRD OF CALDER



## INTRODUCTORY NOTE

OWING to the existence of a popular ballad, set to a plaintive air, the killing of the 'bonnie Earl of Moray' at Donibristle, on 7th February 1592, is probably one of the best-known incidents in Scottish history. But its causes and its consequences are of much greater importance than the incident itself and, as might have been expected, are proportionately unknown. It was reserved for Mr. Gregory to probe the matter to the bottom, and the documents which he discovered are now printed for the first time.

What gave him the clue was, no doubt, his interest in the shooting of John Campbell of Calder at Knipoch in Lorne on 4th February 1592. And he showed that though separated by the whole breadth of Scotland these two murders were the outcome of one and the same plot. For a full and masterly survey of the whole matter, the reader is referred to the *History of the Western Highlands and Isles*, pp. 244 *et seq.*<sup>1</sup> The documents, however, cannot be properly understood without some knowledge of the pre-existing situation, and that, it is hoped, the present brief introduction may help to provide. Shortly stated the salient facts are as follows :

*First.*—With all their faults, the Stuart kings, though providing duly for their illegitimate children, had not been in the habit of trying to make them into great feudal lords, or encouraging them to interfere in public affairs. And Queen Mary must have often regretted that she

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<sup>1</sup> This account is used with due acknowledgment by such subsequent writers as Tytler, A. Lang, and Hume Brown. It is ignored by Hill Burton.

was induced to deprive the Gordons of the earldom of Moray in order to provide a dignity and a province for her plausible half-brother. On his death the ward and marriage of his two daughters were given to James Stewart, eldest son of the first Lord Doune,<sup>1</sup> who promptly married the elder daughter, and thus acquired large estates, and, in some way that has never been made quite clear, also the dignity of Earl of Moray. He was good-looking and popular, especially with the lower orders and the extreme party in the Kirk. Between him and Huntly there was naturally a bitter feud. Huntly was a Catholic and a great noble, and his house had suffered much from Moray's father-in-law, the Regent.

*Second.*—Soon after the Regent's death his widow, Agnes Keith,<sup>2</sup> daughter of the fourth Earl Marischal, married Colin, sixth Earl of Argyll, by whom she had two sons—Archibald, seventh earl, and Colin of Lundie, who were thus brothers uterine of the young Countess of Moray, as well as cousins-german of her husband. The sixth earl died in 1584, and soon thereafter violent dissensions broke out with reference to the guardianship of the young earl. At first Sir James Campbell of Ardkinglass, the Comptroller, John Campbell of Calder, who had married Mary Keith, a sister of the widowed Countess of Argyll, and Neil Campbell, Bishop of Argyll, were in power, to the annoyance of Campbell of Lochnell, the next heir, whose discontent was craftily fomented by Glenorchy after the traditional manner of his house. Then Lord Mar and his brother George Erskine and the Master of Glamis were associated with Calder and Ardkinglass. Next came a rupture between Calder and Ardkinglass, and finally the death of the latter in 1591 left Calder practically in sole

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<sup>1</sup> Lady Doune was Margaret Campbell, daughter of the fourth and sister of the fifth and sixth earls of Argyll.

<sup>2</sup> She died in 1588.

control of the earldom and many of the Campbell chieftains ready for revolt.

*Third.*—The state of general politics was also curious, and, as usual in post-reformation Scotland, complicated by ecclesiastical disputes. Knox had secured the abolition of the papal jurisdiction by Act of Parliament, but he had not been able either to obtain the establishment of Presbyterianism or to save the patrimony of the Church for religious or charitable uses. At his death in 1572 the ecclesiastical position was thus very unsettled, and little love seems to have been lost between the hungry preachers and the gentry who had profited by their zeal for the new doctrines.<sup>1</sup> There was no man fit to take Knox's place; and the leadership of the extreme or Genevan party fell into the hands of a group of preachers, and conspicuously the two Melvilles, uncle and nephew, David Black, Robert Bruce, and John Davidson. At least half of Scotland was still Catholic,<sup>2</sup> and of the other half it seems difficult to believe that many could have had any intelligent preference for either presbytery or episcopacy as a form of Church government. Most reasonable people amongst the Reformed would have accepted any sane form of Protestantism,<sup>3</sup> while it may be taken for granted that all who had been enriched by the plunder of the old Church cared chiefly that, in this life at least, they might not suffer for their sacrilegious proceedings.

The elder Melville was a native of Angus, but had been educated partly abroad, and was for some time a professor in the University of Geneva. In 1574 he returned to this country in search of preferment, bringing with him a considerable name for scholarship, and a very definite admiration for the Church polity of Geneva. According to that

<sup>1</sup> See, e.g., *Scots Peerage*, vol. i. p. 157.

<sup>2</sup> Tytler, *History of Scotland*, ix. p. 45.

<sup>3</sup> Calderwood, *Historie of the Kirk*, iii. p. 308; iv. p. 583.



school Presbyterianism was divinely ordained—all other systems were ancient superstitions or mere will worship. The infallible Church had gone, but the infallible book remained, as expounded by the infallible preacher. In his official character, moreover, the individual presbyter was above the civil law, and, even if he saw fit to pour forth from the pulpit what might appear to the ungodly to be calumnies or sedition, he was amenable only to his fellow-presbyters and to no mere secular tribunal.<sup>1</sup> To this add absolute intolerance of all rival opinions,<sup>2</sup> and a vigorous desire to offer up their exponents as a sweet-smelling savour unto the Lord, and the reader has a general view of the polity which the Genevan party desired to impose upon this country.

*Fourth.*—Meantime at the head of things temporal was John Maitland, the Chancellor, a younger brother of the illustrious Lethington, who had been created Lord Thirlestane in 1590. For private reasons he was disliked by the young Queen. His strong common sense rendered him most uncongenial to the Melvilles and their associates. The old nobility also regarded him with suspicion. But he was a strong and resourceful man, greedy of place and lands, and supported by the King.

Such was the situation in the beginning of February 1592.

When the death of Moray became known the Edinburgh mob at once broke out into furious abuse of Huntly, who had been nominally sent merely to apprehend him, and also of the King and Thirlestane. The Kirk joined gladly in the turmoil.<sup>3</sup> Huntly was a Papist, the King was supposed to have been personally jealous of the dead man, and Thirle-

<sup>1</sup> See, e.g., Calderwood, *Historie of the Kirk*, iv. pp. 5-14, 387, 457.

<sup>2</sup> In *The Longer Catechism* (answer to question 109) 'tolerating a false religion' is declared to be one of the sins forbidden by the second commandment.

<sup>3</sup> James Melvill's *Diary*, p. 198.

stane was somehow vaguely believed to be implicated in the matter also. The Chancellor's fall seemed near at hand. But near at hand also were an assembly of the Kirk and a meeting of Parliament, and so Thirlestane proceeded deliberately to secure the support of the Melville party by forcing upon the King and the estates the Act of 1592,<sup>1</sup> which gave formal legal sanction to the Genevan claims, with all their consequences, during the hundred years that were to follow.<sup>2</sup>

The documents now printed show clearly what forced him into this coalition, and conclusively dispose of the suggestion that he had either been converted to a belief in the merits of the Genevan claims, or convinced that only by their concession was a permanent settlement possible. He was merely in deadly peril of his own life. There was evidence, he well knew, of his complicity in two murders which had already taken place, and in a plot for the perpetration of two more. His enemies were numerous and eager, and if that evidence fell into their hands, it was but a short step to the block. At all costs, therefore, he had to purchase support. And the establishment of Presbytery was thus the price of his personal safety.

For some time the Chancellor triumphed all round. But in the autumn of 1595 he lost the King's favour, and retired to his new castle at Lauder, where he died on 5th October. After carefully ascertaining that he had not talked too much on his deathbed, the King wrote an epitaph upon him, and Mr. Robert Bruce testified to the piety of his last moments.<sup>3</sup>

<sup>1</sup> 1592, c. 8.

<sup>2</sup> The Melvilles at once followed up their victory with the most bloodthirsty legislation against Catholics—e.g. 1592, c. 14; 1593, c. 11; 1594, c. 62; *ibid.*, c. 63—naturally leading to the proscriptions and butcheries of malignants which distinguished their successors.

<sup>3</sup> James Melville's *Diary*, p. 221; *Historie of King James the Sixth*, p. 349.

The effect of Thirlestane's alliance with the Melvilles was to distract men's minds from the murder of Moray, despite the efforts of his mother, who is reported to have kept his body unburied for months in the hope of attracting public attention.<sup>1</sup> An abortive Commission of Justiciary in favour of Lords Marischal and Atholl against Huntly on 9th March 1593 followed, but nothing more.<sup>2</sup> The family and friends of Calder, however, were also desirous of vengeance for his murder, and they had resources which Lady Doune did not possess. Their eyes seem to have turned at once to Ardkinglas as the instigator, if not the actual perpetrator, of the deed;<sup>3</sup> and in June 1593 they and their supporters

<sup>1</sup> A picture which she had painted of the dead body (Calderwood, v. p. 145) is still in existence.

<sup>2</sup> Pitcairn, i. ii. p. 283.

<sup>3</sup> The following incident probably arose out of the suspicions against Ardkinglas:—

12 April 1593.—Complaint before the Privy Council of Edinburgh at Holyrood by:—

Johnne Campbell of Ardkinglass, Mr. Johnne Campbell of Auchinvelling, Mr. Dougall Campbell Dean of Brechin, Patrick and Robert Campbells brothers of the late Duncane Campbell, as follows.

The said Laird of Ardkinglas, having come to Edinburgh at the Kings direction 'and being on his jorney at Dunbertane' upon 28th March last, accompanied only by four servants, 'tuik parpos to hald fordwart his jorney that same nycht efter supper be reason of the trublis quhilkis ar in that cuntrey' expecting no injury. But Johnne Buquhannane in Drumfad and James Buquannane sons of Thomas Buquannane of Blairlosk, Archibald M'Airthour in . . . Airthure M'Airthure in Ardindowane, Johnne M'Inlay son of the miller of Dunstuge [Dunfuge?] and George Bunteine in M'Indoquhy servant to Themas B. of Blairlosk, having been advertised of the said Lairds intention, 'associat unto thame selfis sindrie utheris brokin men and fugitives to the number of tuintie four personis on herse and fute,' all armed with long hagbuts, jaeks, pistolets, and other forbidden weapons, and lay in ambush 'in ane yaird direct opposite to the gait quhairby the said compleinner behuift to pas' intending to murder him; when 'the said umquhile Duncane and ane uther of his servandis being gangand a little befor him, and the personis foirsaidis suerlie beleving that ane of thame had beine the said Lard of Ardkinglass, thay dischargeit ane dusane of hacquebuittis at the saidis tua personis and schott the said umquhile Duncane in the heid with ane of the same schottis; and thairefter, cuming furth of the said yaird, finding the said umquhile Duncane not to be deid, and still believing he had beine the said Lard of Ardkinglas thay schamefullie and barbarously ma[n]glt and slew him with sweirdis and cuttit of his heid, and then persaving thameselfis to be disapointit, thay schairplie followit the said Lard, schott aucht or nyne hagbuittis at him, and had not failit lykwayis to have slaine him

had a great ' day of Law ' in Edinburgh, when Ardkinglass, along with Glenorchy, was formally accused of the murder.<sup>1</sup> Nothing came of it at the time. But other methods were available in Argyll. Local inquiries, aided apparently by the use of torture,<sup>2</sup> resulted in the execution of Gillipatrick Oig Mackellar, who fired the shot, and his employer, John Oig Campbell of Cabrachan, the younger brother of Lochnell. No connection between the two murders seems, however, to have been publicly suspected, still less was it known that the Chancellor was a party to them both as well as to a further plot for the destruction of young Argyll and his brother, when the barony of Pinkerton in his own county of Haddington was to have been his share of the plunder.<sup>3</sup> In May 1594, however, Ardkinglass, who had been incarcerated in Carnasserie Castle in Ariskeodnich, was induced to make a clean breast of the whole matter. His confession (Nos. v. and vi.) for the first time disclosed the wide ramifications of the conspiracy, and the full measure of the Chancellor's guilt. It may be merely a coincidence, but this confession was at once followed by Argyll obtaining the royal authority to attack Huntly, who however defeated him at Glenlivat on 3rd October, when Lochnell was killed—the victim, it is said, of a fresh piece of treachery on his own part.<sup>4</sup> To chastise the victor the King himself led a force into the Gordon country, sup-

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were nicht be the providence of God he eschaitit.' None of the defenders appearing while the said Mr. Dougall Campbell appears for himself and the other pursuers, the order is to denounce all the defenders (*Reg. Privy Council*, vol. v., pp. 68-69). See also Pitcairn's *Criminal Trials*, vol. i. Part II., p. 285.—N. D. C.

<sup>1</sup> Calderwood, v. p. 253. In the *Memorials of the Montgomeries*, i. p. 53, Sir William Fraser places 'the day of law' in 1596, gives the date of Moray's murder as 1581, asserts that Calder was one of Huntly's party at Donibristle, and finally says that it was out of revenge for Moray's murder that Ardkinglass sought Calder's death!

<sup>2</sup> See p. 170, note.

<sup>3</sup> Vide *Historie of King James the Sixth*, p. 248.

<sup>4</sup> *History of the Western Highlands*, p. 258; Calderwood, v. p. 349; cf. *post*, p. 168.

ported by the presence as well as by the exhortations of the elder Melville, who is reported to have personally engaged in the devastation of Strathbogie.<sup>1</sup>

Glenorchy, as might have been expected, solemnly protested his innocence of all the allegations made against him. His denial, dated 28th June 1594, is No. VII. He also seems to have induced Ardkinglas to withdraw his confession, for two *Testimonials* by Ardkinglas, dated respectively 1st July 1594 and 30th May 1595, and said to be in the charter-room at Taymouth, appear with some unbelieving comments in *The Thanes of Cawdor*, pp. 209, *et seq.* To complete the record it is thought well to print them as Nos. VIII. and IX.

Corroboration of the original confession seems amply provided by the deposition of Margaret Campbell, the widow of John Oig of Cabrachan—No. V.—one of the most extraordinary stories ever told, and yet bearing the impress of truth in every detail. If the Chancellor had been alive there might possibly have been strange developments. But Ardkinglas<sup>2</sup> was not a person of national importance, and no powerful faction was interested in his fall. Accordingly, while the Calder family got their Letters of Treason—No. I.—and a special Commission of Justiciary—No. III.—and even had a trial before the Court of Justiciary fixed for 17th September 1596, it was twice postponed—and finally, on 22nd September, as ‘nane of the kingis advocattis comperit to persew him’—the diet was deserted, and the matter took end.<sup>3</sup>

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<sup>1</sup> Tytler, ix. p. 174.

<sup>2</sup> There is a curious entry in Birrell's *Diary* printed by Pitcairn, I. ii. p. 363: ‘Campbell of Arkinles was tane for the slaughter of Campbell Laird of Cadder. And one the 4 day he thollit ane Assyise, and contenuit day till day, till the 8 of Apryll he wes convyit to the Blakness till ward and at length he wis made frie.’

<sup>3</sup> Pitcairn, I. ii. p. 391. In another volume of his *Collections* Mr. Gregory has a note that the fact that Calder was ‘at the horn’ was tendered as a plea in bar of trial.



Apart from their main interest these curious documents throw considerable light on the manners and customs of the time. The belief in witchcraft ; the difference between the methods of the wise women and those of Mr. Patrick MacQueen ; the laundry arrangements at Inchconnell and Inveraray ; the football at Dunoon ; the christening festivities at Finlaystone, and many other points, will appear as the reader proceeds.

Prefixed to the transcript in Mr. Gregory's Collections is the following note :

‘ *N.B.*—The following papers were ill copied by a stupid clerk from a modern copy originally bad.

‘ I am to have an opportunity of collating this copy with the original documents, which I have seen, and which are in good preservation and easily read by an experienced person. When I saw these documents I had not this copy by me, and had no time to make an entire new copy.  
D. G.’

Neither the History nor the Collections disclose where the original documents were preserved, and the note now quoted shows what the historian thought of the copy which he had obtained.

The Editor has, however, been fortunate in learning from Mr. Niall D. Campbell that the original papers were at one time in the charter chest of the Campbells of Airds, cadets of the family of Calder. Mr. Campbell himself also possesses a transcript made from the originals about the year 1825 by the Rev. Dr. Macleod of Campsie, for the Lady Charlotte Campbell, and he has had the great kindness to revise the proofs with its aid—thus carrying out for the Society what Mr. Gregory had hoped to achieve.

A few notes have been added, and for those marked N. D. C., as well as for the sketch pedigree printed on p. 142, the Editor has also to thank Mr. Campbell.

## PAPERS RELATING TO THE MURDER OF THE LAIRD OF CALDER

### I. LETTERS OF TREASON AGAINST JOHN CAMPBELL OF ARDKINGLASS for the Murder of the Laird of Calder.

JAMES be the Grace of God King of Scottes to our Lovittis

Messingers or Sheriffis in that part conjunctlie and severallie and speciallie constitute greeting for samekle as it is humbly meint and complenit to us be our Lovittis Colin Campbell seconde sonne William and Alexander Campbellis also sonnes with the remainent kin and friends of unquhill John Campbell of Caddell<sup>1</sup> and our weil belovit familiar Clerkes and Counsellors Mr. Thomas Hamilton of Drumcarne and William Hart of Sivilands our advocates for our entress. That quhair it is expresslie provided statute and ordainit be our Act of Parliament not onelie that committers of slauchter sall be punissit to the death and tyne all their guidis and geir but also it is provided specially be ane acte of our parliament maid July the Zeir of God One thousand five hundred four score and seven Yeirs— That the murder or slauchter of quhat sumever our Lieges quhair the partie slaine is under traist credit and assurance and power of the slayer all sic murder or slauchter committit at any tyme after the dait of the said acte the samin being lawfullie tryit and the person delatit found giltie by ane assyse thereof sall be treason and the person found culpable sall forfealt lyfe lands and guides as our saids actes of Parliament maid thereupon at mair lenth

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For the history of the Calder family, *vide ante*, pp. 119, *et seq.*

bearis. And trew it is and of veritie that John Campbell of Ardkinglass being of kin to the said umquhill John Campbell of Caddel and of one clan and surname onder traist and credit together notwithstanding thereof having conceivit ane privie deidlie hatred and malice against the said umquhill John Campbell of Cadell and seking be all privie and indirect meins possible to bereave him of his lyfe, he in the moneth of May, Juny, July August September October November December January Februarie the Zeir of God one thousand five hundred four score eivin yeirs consultit divisit interprisit the cruell and treasonable murther and slauchter of the said umquhill John Campbell of Caddell in company with umquhill John Oge Campbell of Cabrachan<sup>1</sup> umquhill Gillipatrick Oge Mackellar his awne tenant and domestick, umquhill Gillimertine Mackellar his brother and umquhill Duncan Campbell his servant and that within his awne dwelling places of Rosneath and Arkinglass likeas he hyrit intysit perswadit and condusit umquhill Gillipatrick Oge Mackellar to execute the said wickid shamfull ungodly and treasonable enterprise quha promisit to him and his complices foresaids to perform the said cruel and treasonable enterprise the said umquhill Gillipatrick Oge Mackellar upon the fourth day of the said moneth of Februaire the Zeir of God one thousand five hundred four score and eivin yeirs foresaids being sewrly informit that the said umquhill John Campbell of Caddell was come to the hous of Cnepoch<sup>2</sup> pertening to Dugald Macdonchie of Stronchormick<sup>3</sup> lying within the Lordship of Lorne and our

<sup>1</sup> He was the second son of John Gorn Campbell of Lochnell, by his wife Mary, daughter of Colin Campbell, fifth of Ardkinglas. His wife, whose deposition is printed, *post*, pp. 159 *et seq.*, was a daughter of Campbell of Inverawe, and from him descended the Campbells of Tiriephuir. — MS. History of the Lochnell Family (Gregory's *Collections*, vol. vii.). Cabrachan is on the north-east side of Lochnell.

<sup>2</sup> Knipoch is situated on the east side of Loch Feochan, and about two miles from the head of the loch. It is about five miles from Cabrachan.

<sup>3</sup> Campbell of Glenfeochan was also known as Macdonachie of Stroncharmaig.

Shrefdome of Argyle by the speciall causing, devysing, counsailing, hounding, sending, directing, consenting, art pairtaking onely quarrelling command assistance and ratihabition of the said John Campbell of Ardkinglass, came under silence and cloude of nicht bodin with ane lang hagbit pertening to the said John Campbell of Ardkinglass and len be him to the said Gillipatrick Oge Mackellar to that effect chargit with thrie bullets came to the hous of Cnepoch quhaire the said umquhill John Campbell of Caddell was for the tyme sittand before the fyre in the said hous dreidand na evill harme injury or persute of any persons but to have livit under God's peace and ouris and their or ever the said John Campbell of Caddell was weir of himself the said umquhill Gillipatrick Oge Mackellar schot and dischargit the said hagbit at the said umquhill John Campbell of Caddell in at ane windoke of the said hous quhaire with he schot him with thrie bullets in at the heart and throw the body and thairby maist schamfullie and cruellie traitorouslie murdrest and slew him upon sett purpose provision and forthocht felonie. And swa the said John Campbell of Ardkinglass was airt and pairt of the said cruell and treasonable murther and slauchter of the said umquhill John Campbell of Caddell interprisit consultit commandit consentit to devisit committit and ratifeit be him efter the committing thereof be melling conference assisting concealing mantening of the said umquhill Gillipatrick Oge Mackellar schuter of the said schott and receiving back fra him of his read stockit hagbit lent be him of before to the said umquhill Gillipatrick Oge Mackellar to commit the said treasonable murther and slauchter be him upon the said John Campbell of Ardkinglass his onelie instigation and quairling in manner foresaid quhairby he hes committit the said treasonable murther and slauchter (committed be him upon the John Campbell of Caddell) and was arte and pairte thairof committer under traiste and credit and thereby hes contravenit the tenor of owre saids Actes of Parliament and hes incurrit the pains containit therein



## THE MURDER OF THE LAIRD OF CALDER 155

That is to say tynsell of lyfe lands and guides quhilk aucht and suld be execute against him with all rigour in exemple of others to attempt the like cruel odious and treasonable murthers and slaughters in tymes comeing as is alegit. Our will is herefore and we chaarge you straitly and command that incontenent their owre letters sene ze pas and in owre name and authoritie take sicker souertie of the saide John Campbell of Ardkinglass committer and airte and pairte counsellor and devysor of the saide cruel abominable and treasonable murther and slaughter in manner foresaide that he shall compear before owre Justice on \_\_\_\_\_ and underlie owre laws for the same in our Tolbuith of Edinburgh the twentie five day of May next to come in the howse of cause under the pain contenit in our Actes of Parliament and that ze chaarge him personallie if he can be apprehendit and failzing thereof at his dwelling place and be open proclamation at the mercat croce of the head burgh of owre shyre quhair he dwells to come and find the said souertie within sex days next efter he bees chargit be you thairto under the pain of rebellion and of putting him to the horne. The whilk sex days being bypast and the said souertie not being found to you in manner foresaide that ye incontinent thairefter in manner denounce the disobeyer our rebel and put him to owre horne and escheit and inbring all his moveable guides for to our use for his contemption and if he passes to owre horne cause registrate ther owre letters with your execution yrof in our Sheriffis buikis of our shyre quhaire he dwells conform to our Acte of Parliament maid thaireanent and if he find the said souertie that ye summonde anc assyse thaireto not exceeding the number of fortie five persones quhais names ye sall receive in roll subswisit be the compleners or any of them and na others ilk person under the pain of anc hundred merkis accordin to Justice as ye will answer to us there upon. The whilk to do we commit to you conjunctly and severally our full power be thir owre letters delivering them be you dewly execute and indorsate again to the Bearer. Given under owre Signet at Edinburgh the



sixt day of Aprill and of owre Regne the twenty ninth yeir 1596.

Ex deliberatione Dominorum Concilii.

*Sic Sub<sup>t</sup> J. BANNATYNE.*

6 April 1596.

II. THE ADVYSE OF THE KING'S ADVOCATE AND OTHER  
LAWYERIS anent the form of proceeding in the tryll  
of Calderis slauchter.

*Imprimis.* To make inventor in wret of the namis of the actual doeris and als of the names of the devyseris and all them quha war airt and pairt.

Thaireeffer to put in wret the hail suspicions and causis thaireof baith againis the actual doeris and devyseris albeit the saidis takenis and suspicionis be never sae licht.

To put in lyke manner in wret quhow the saidis suspicionis and takinis may be provin in caice of denyel withe the namis of the witnesses that wald serve in the probation.

To consider quhow mony of the doers and devyseris may be apprehendit at anes be the Kingis Commission for naething wald serve better for the tryel nor the apprehending of four or five and putting thame in severall housses to the effect they may be straitly examinat be the interrogatoris at sundrie tymes.

They quha cannot be apprehendit may be summonit to underly the law and thaire maisteris straitlie chargit be his majesties charge to apprehende thame and mak theme furthcomeand to the law quhairefoir letteris wald be first execute and man be procurit at the Kingis hands togidder withe the Commission to apprehend thame and to put thame to the Kingis Justice in this town. In respect it will be thocht hard to put thame to ane assyse in Argyll <sup>1</sup> My Lord being sa eirnestfull to get the matter

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<sup>1</sup> Argyll was hereditary Justiciar of Scotland. He had already tried and hanged John Oig Campbell and his servant Mackellar.

tryet sua it sall be maist honorabel for My Lord and best for the effect of the tryel that all be dun in this toun geif his Lordship may get half Court quhilk his Lordship may easiely get at this tyme the uther pairty being bandit withe the Hamiltons as is reportit.<sup>1</sup>

The foresaids Commission and charge of the Kings may be eisilie gottin before the raising of ordinair summonds to underly the law quhilk will be mair publict.

Geif ony compeiris at the day of compeirance moyan man be had to continewe the day and souerties keepet in the meentyme in ward quhill strait examination be made of thame as wes made of John Roy quha wes detainit sex weekis in the Tolbuith and twentie twa sundrie tymes examinat be the Justice Deput befor he wald confess.<sup>2</sup> His Majestie cannot refuse to do the lyke justice in als odius a cryme. I wald understand quha wald avail upon thir turnis in his Lordship's absence to caus forme and raise the letteris and chairgis and be quhom our letteris and advertisementis may be convoyit to his Lordships and lyke wayes the namis of the speciall friends in Court quha may be employit as occasun beis offerit.

### III. COMMISSION OF JUSTICIARY FROM THE KING for the tryel of John Campbell of Ardkinglass for the Murther of the Laird of Calder Anno 1591.

James be the Grace of God King of Scotis. To all and sundrie our leigis and subjects quhom it effeiris. To quhais knowledge thir our letteris sall cum. For as meikle as John Campbell of Ardkinglass being befor fugitive and put to our horne for the cruell and abominable murther of unquhill John Campbell of Calder quhilk wes committit upon the fourt day of February the year of God one thousand flive hundred ffour score and ellevin yeirs is laityl apprehendit and to be put to the tryell of ane assyse

<sup>1</sup> Ardkinglas married about this time Jean Hamilton, daughter of John, afterwards first Marquess of Hamilton, and relict of Sir Humphrey Colquhoun of Luss.

<sup>2</sup> This throws a curious light on the judicial methods of the time.

for being airt and pairt and upon the counsall of the said murthure. Thairefoir we haif maid constitute and ordainit Mr. Peter Rollok Bischope of Dunkell, Mr. George Young, Mr. John Arthure, Mr. Thomas Gilbert, Mr. Richard Spens, Mr. Alex: Thomson, Mr. Schairpe, Mr. Thos. Henryson, Mr. Thos. Nicholson, Mr. John Daling, Mr. David Guthrie, Mr. Henry MacCalyan, Advocatis, or ony thrie of them our Justices in that pairt conjunctlie givand and committand to thame our full power and Commission express bidding and chairge to hold a Court or Courtis of Justiciarie within the Tolbuith of our Burghe of Edinburghe or other needfull to sett begin afterhald and continew suites to make be callit absentis to amerciate unlawis and amerceamentis to ask lift and rais and in the samyn Court or Courtis the said John Campbell of Ardkinglass for being airt and pairt and upon the counsall of the foresaide cruell Murthure. To call the dittay to accuse and to the knowledge of ane assyse to put and as he shall be fund culpable or giltie thaireof to minister and caus Justice to be ministrat upon him conforme to the laws of our Realme assyses ane or mae needful to this effect of sik persones as best knawes the veritie in the said matter. Ilk person under the penalty of twa hundreth pundis to summond warne cheis and caus be sworne clerks, servandis, dempstaris and all uther officiaris and memberis of Court needful. To mak creat substitut and ordane for quhom our saides Justice shall be halden to ansuir commanding and ordaining theme befor quhatsumever Judge or Judges ordinar to compeir and give their aythes that they sall faithfullie minister Justice in the said matter and generallie all and syndrie uther things to do escerce and use in the premissis quhilkis of the law or consitude of Realme is knawin to pertene ferme and stabill haldand and for to hald all and quhatsumever things sall be lauchfully don in the premissis. Be thir our lettiris givin under our Signet and subscryvit by our hand at Halierude hous the 29th Day of Merche and of our reigne the 29 Zeir 1596. *Sic subscribitur*

JAMES R.S.

This letter and commission producit be Mr. Donald Campbell Deane of Leismore and registrat<sup>1</sup> the day within wretten *Sic subscribitur* Robert Young Curia Burgi de Edinburgh tenta in Pretorio ejusdem coram honorabile viro Gulielmo Maul uno Balivorum dicti Burgi die penultmo mensis Martii Anno Domini millsimo quingentesimo nonogesimo sexto Curia affirmate the quhilk day in presence of William Maul Baillie forsaid sittand in Judgement compeirit Mr. Donald Campbell Dean of Lismore and presentit to the said Baillie this present Commission desyring him to tak the aithes of the Commissioners within specified conforme to the said Commission. To quhilk the said Baillie consentit and theirefter compeirit the within namit Mr. Peter Rollok Bishop of Dunkell etc. and accepted the said office upon theme and geif thair aithes for the ministration of Justice in manner within containit quhaireupon the said Mr. Donald Campbell askit acte of Court. *Sic subscribitur*

J. STEWART.

IV. FOLLOWS THE CONFESSIONE AND DEPOSITIONE OF MARGARET CAMPBELL relict of umquhill John Oig Campbell of Cabrachan brither german to the Laird of Lochnell maid be her in the place of Ardmadie the fyft day of the moneth of October in the Zeir of God 1595 Zeirs anent the crewall murthur of the Laird of Cadell in presents of Mr. Neil Campbell Bischop of Argyll, Allan MacDougall of Rarray and Mr. Donald Campbell Dean of Lismore exponeris of the said Margaret's language<sup>2</sup> to me the Notter underwritten.

*Imprimis.* The said Margaret being sworne upon the haily Evangel confesseth that in the sumir efter the murther of the Laird of Caddel in the moneth of July or thairby John Oig Campbell husband to the Deponer being in

<sup>1</sup> There is no reference to this Commission in the Edinburgh Burgh Court records of that date, though they show that Bailie William Maule was on the bench on 30th March 1596.

<sup>2</sup> This suggests that the lady knew little if any English.



Yrland Ardkinglass sent for the Deponer to Lismore according to quhais desyre she passit to the plaice of Ardkinglass that same tyme and efter coming to Ardkinglass the Laird schew to her that he wes informet that Angus Macdonald was appoynted to take John Oig on his way to Yrland or to slay him and thairefter they gaid to thair supper and efter supper Gillipatrick Oig M'Keller tuik the Deponer to the zaird and said it is ane sair matter yat we are this ways bruitit with the murther of the Laird of Caddell and geif ze might help us in this, spare not Ardkinglass' gould nor geir to convert My Lord Argyll his favor to us. The Deponer answerit to Gillipatrick in this manner ony thing that I can doe at uther folks hands in that matter I will deal thereanent with Ardkinglass himself and the morn I will give him answir and sua departit to bed that night. Upon the morn Ardkinglass himself cam privilie to speak with hir and shew hir how he wes bruitit with the Laird of Calder's murther and saide that he hard tell that the women in Lorne<sup>1</sup> are wiser nor the women in Argyll and quhairefore desyrit hir nowther to spaire gould nor geir to convert my Lord's anger and wrath in thair favor. The Deponer ansurit that sic turns could not be done without she maid the witches to know the haill veritie of the caus. Thaireftir the Deponer affirmit that Ardkinglass tuik a great pausin and thairefter he saide thir words I heir that John Oig your husband lufes you verie weil to the quhilk the Deponer answerit that the same wes trew thaireftir Ardkinglass speirit at the Deponer geif John Oig her husband wes in use to tell hir his secretes. She ansurit that hir husband had revealit to hir the greatest secrete that ever he had and that the same wes only spocken be hir to try what Ardkinglass meint in this matter. Theirefter Ardkinglass demantit of the deponer geif hir husband John Oig had reveilit ony thing twitching Caddell's murther. She ansurit that her husband had confessit the same to hir. Ardkinglass then said fy on him; beist that suld haif reveilit

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The witches of Lorne seem to have had a special reputation for their skill.



sick a matter to a wyfe. Then Ardkinglass said to the Deponer will ze not find the moeyen to take away my Lord's wrath and to mak us not be suspectit nor put at for that murther. The Deponer ansurit Ardkinglass geif ze will tell me the haill manner how that matter fell out and reveil the haill instruments and doars thaireof I sall do as ze have desyrit and sall tak that matter on me quhilk cannot be done utherways; to the quhilk Ardkinglass answerit quhat misters me to reveil that matter seeing your husband John Oig has reveilit the sam to you already. The Deponer ansurit It wes true her husband tauld her fyfe or sex that wes on the conspiracie and generallie the form how it wes done bot sche wes certaine that sic ane matter could not be enterprysit without the advyse of mae and michtier personis quhilk he schew [not] to her neither zeit schewit hir husband to her the occassione quhairfore the sam wes done, quhilk behoufit to be reveilit befor she culd doe ocht in that matter. Thaireftir Ardkinglass enterit in thir speitches with hir and said it is trew wee murtherit Caddell and the first occasione of his murther wes the evil words that fell out betwixt Caddel and my father<sup>1</sup> in the Tarbet I being ane bairne with my father thaire and my father at that tyme wes advertyst that Caddel wes set for his lyfe at the same tyme of the Tarbat quhen the Earle of Argyle wes derecit be the King to pass upon Macconnell for relief of MacLean. And efter cuming hame frae the qyest the Laird of Ardkinglass, be the consell of the hous of Auchavulling<sup>2</sup> and George Balfour,<sup>3</sup> conspyrit the Laird of Caddel his murther, and thairefter auld Ardkinglass repentit him of the same and let it slip thrie or foir zeir quhill a zeir befor his deceiss that thair fell out a new discord betwixt auld Ardkinglass

<sup>1</sup> Sir James Campbell of Ardkinglas, the king's comptroller.

<sup>2</sup> The Campbells of Auchavulling were cadets of Ardkinglass, being descended from the second son of the first laird.—Nisbet's *Heraldry*, vol. i. p. 33.

<sup>3</sup> George Balfour of M'Corranstoun in Menteith. He was closely associated with Ardkinglas, from whom he acquired lands in Rosneath, *circa* 1595, and whose executor nominate he was.—N. D. C. He was one of the sureties for Ardkinglas that he would appear for trial.—Pitcairn, I. ii. 392.

and Caddel for the gyding of my Lord Argyll and then the murther foresaide wes enterprysit of new be the sam personis. Bot ald Ardkinglass his deith steyit the sam for the tyme and efter the deceiss of auld Ardkinglass the sam occasionis of contensions wes offerit betwixt me, the Laird of Ardkinglass, and Caddel soe that the saide personis to wit the bairnes of Auchavulling and George Balfour cam to me and schew me qhow the Laird of Caddel wes lyke to decourt me and my freinds, and also schew the devyss that my father laid agains Caddel in his awine tyme and desyrit me to follow out the sam and persuadit with thir words—that my father wes wyser nor myself and as he fand the slaughter of Calder to be for the weill of his hous sae I suld also follow furth the same. My answer wes that it wes owre great a feud to bring on my hous. Thaireftir they answerit to me that they were unhappy that had sic an man of unworthiness for a wyse and active man quha wes my father. Bot Patrick of Auchavulling said an they had ane bag full of fears in place of the Laird of Ardkinglass why might they not make ane man of me and I hearing myselfe sae reprochit be them I speirit at John of Auchavulling and his breither quhat help they wuld mack me, geif I tuik that matter in hand, and they answerit me schortly theye wuld die and leif with me and, geif mister wer that I might not bruik the country, they wuld tak baniesment with me. Thairefter I speirit at George Balfour quhat wuld be his pairt of the said matter. He answerit me he suld furneis me with 20 horse of his awine freinds as lang as I wes at Court or during my being in the lawlands, and sae upon that I tuik in hand the murther of the Laird of Calder and burdenit Duncan Campbell of Auchavulling to shoot him furst in Dunune quhilke misgave him syndrie tymes; and efter it misgeif him I put John Oig upon the counsell that I wes to enterpryse the same bot shortly thaireftir I repentit the reveiling of it to John Oig becaus I feirit that he wald not keep things secreit; bot the remeid that I fand wes to caus himself send out the actual doers quhilke he did, to wit Gillipatrick Oig and his brother, to

the effect that he may keep the matter mare secret—and this meikle for the discourse of Caddel's murther.

Therefter it wes ansurit be the Deponer That she thocht sick ane turne culd [not] haif been enterprysit nor execute without the counsell and advyse of greater personis and mae, quhairoff sche wes certainlie perswaidit and thairefore she wald tak naething in hand without Ardkinglass wald be plain to her to the uttermost. To the quhilk Ardkinglass ansurit that he had some secreits in that matter quhilk he had not reveilit to John Oig and thairfore wald not reveil the same to the Deponer nor nac man, and therefore the Deponer said to Ardkinglass sche culd doe him na gude. Bot Ardkinglass seeing this strait, he thairefter taks the Deponer's aithe no to reveil to John Oig sic things as he wes then to reveil to hir, and thairefter he said in this manner to the Deponer, ze be rememberit efter the deceiss of my father, Angus and Donald Gorme Macconels<sup>1</sup> being put to libertie be the moyen of Calder, Macklane<sup>2</sup> in the mein tyme being left in ward, I passit to Edinbrought and be my moyan I gat him to libertie and thairefter passing out of Edinbrought at the Craigs of Costorphync Macklane and I being drawin behint, I speirit at Macklane quhaireupon he wes pausand, quha ansurit that he pausit on that thing quhilk micht be his weil and myne and that because he wes adettit to nac man leivand bot me only ; and then I said to Macklane wer it not ane gude sport to cut him off that has led us on all thir snaris to wit the Laird of Caddel ? To the quhilk Macklane answerit that there wes nane that aucht to be mair bent to that matter nor I for first Caddel's Gudesheir slew my Gudesheir and sen syne I haif fund him ever in my contrair in all my particulars. Then ansurit I (Ardkinglass), Caddel conspyrit my father's deith and now geif he leives ane zeir he will sae discredit

<sup>1</sup> *i.e.* Angus Macdonald of Dunyveg, and Donald Gorm Macdonald of Sleat, and Lauchlan Maclean of Dowart.

<sup>2</sup> Sir Lauchlan More Maclean of Dowart. He was married to a daughter of James, sixth Earl of Glencairn. He had an 'innate disposition' 'to violence and rapine' (Gregory, *History*, p. 237), and was in the pay of Queen Elizabeth.

me with my Lord Argyll that I sall not haif the moyan to doe my awin turns with his Lordship. And sae they differit this rest of the matter quhill thaire cumming to Ardkinglass and then they enterit into the same conference at thair cuming to Ardkinglass, and thaire Ardkinglass and Macklane concludit upon the murther and promisit to perfit the same. This being concludit betwixt me and Macklane in the place of Ardkinglass Macklane passis hame to Mull and thairefter he and I drew ane tryst to Donolych; and I maid the bruit to gang, That the caus of my ganging thair wes to haif MacCoulis<sup>1</sup> douchter in marriage and efter our convening thair Macklane, MacCouil, and I passit to ane chamber and MacCouil put the sloit on the dur and John Auchavulling without the dor with ane quhyte battoune in his hand to keep all folks frae us and thair we reveilit to MacCouil this matter and speirit at him quhat wald be his pairt of this matter. He answerit he wald tak ane part of onie thing that we wald interpryse soe that we all in ane vote consentit to the perfecting of the murther.

Thairefter that sam night in Dunstaffnich in my bed John Oig being lying with me I schewit to John Oig that I wes of mynd to perfect this purpose bot I let not him understand that Macklane or MacCouil wes upon the counsell thaireof nouthir did I let Macklane or MacCouil understand that I had reveilit the same to John Oig and truly I repentit the reveiling of it to him: bot the remeid that I and Duncan Auchavulling fand wes to caus John Oig send out the murtherers himself. And thairefter the deponer speirit at Ardkinglass, in caiss he had not reveilit the matter to John Oig quhom had he to perfect sic a purpose? To quhom Ardkinglass ansurt that geif neid had beine that he wald haif gotten out of the isles and out of Lorne men that wuld haif done the turne bot the isles men culd not doe the turne sae weil as the men of Lorne becaus they knew not the country and that there wes twa of MacCouil's men wating on the green

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<sup>1</sup> MacCoul, *i.e.* Macdougall of Dunollie.



knowes hard at the hous quhaire Caddel wes slaine that same night quhen he wes slaine and gat away imediatly thairefter and that ane of them passit that same night to Dunnolich and the uther to Kerrara. Then Ardkinglass said to the Deponer, Now I have reveilit to you all things concerning this matter and my man Gillipatrick Oig has schewn to me that all witchcraft is to be practised in the begining of every quharter and now the first begining of the harvest quarter approtches and thairefore I desyre you to haif and get me intelligence of my own estate and quhat favor I may look for at my Lord's hands. The quhilk the Deponer promisit to Ardkinglass to perform betwix then and Lammas and to that effect the Deponer passit hame to Lismore and thairefter sent ane servant woman of her awin to the Morven to ane Nichaicherne withe a chapine of aqua vitie, ane furlet of beir, and an kurtiche and desyrit to understand of hir what suld becom of Ardkinglass, Gillipatrick Oig and the rest of thir compylis becaus Ardkinglass had causit hir to seek sum tryal of this matter befor he wald reveal the certaintie of Caddel's murther to hir in all sorts. The answer which the witch reveilit wes this that Ardkinglass Gillipatrick with the rest suld all pass to Edinburgh and that Ardkinglass and MacCouil suld baith be put in ward and zet suld be relievit again and cum hame safely quhilk she tuik upon hir; bot she wald not tak in hand to safe them any langer and forder declairit that although MacCouil wald escheip for a lang tyme zeit that at the last he wald pey for it and Macklane wes also on the counsell of the said murther.

Thairefter quhan Ardkinglass gaid to Lochow to get probation againts Glenurqhye, John Oig and Ardkinglass desyrit the Deponer to send for the saide witche to understand of hir what success wald cum of thair conventions to be had thairefter. The Deponer declairs that the woman that she sent to consult the witch reportit for ansuir That it wes not for them to keep the conventionie at Dunoone and thairefter forbad them absolutlie to gang thaire and she sent a speciall counsall to John Oig not to



corse the water of Lismore or utherways he suld never return bot the Deponer causit preventit and met the messenger and causit her gief the contrarie answir for the maleicesche, the Deponer, had to the Clan Ellar quhomesche desyrit suld be tane that Ardkinglass desyrit to understand of her the day quhane he passit out the place of Ardkinglass quhiddir he nicht tak the Clan Ellar with him or not and that sche shew to him that he nicht and that sche spak the sam for the malice she had to them but that John Oig counsellit them to return back again efter they, the Clan Ellar, wer agaituart to Dunune. And farder the Deponer declairs twa or three days befor Ardkinglass wes tane that sche brocht to the plaice twa personis to wit Ewphrick Nikceoll and Dougald Macaurie and the said Nickeoll tuik upon hir to convert my Lord's angir and to mak him to favor Ardkinglass and that this is true the Deponer gavis this takin, That it wes Auld Mackellar of Cruachan that lernit hir his charmis and that the said M'Ellar lernit them at the pryoris of Icolmkill and siklyke that Macaurrie suld lerne to inshant Ardkinglass and his cumpanie that nae wapin suld offend thame, the quhilke inshantment wes receivit be thame all except Ardkinglass himself.

Attour the Deponer confessit that hir umquhill husband had syndrie tymes consultation with witches especciallic quhan he took anie journie frae hame and that the Deponer wes present quhen syndry of the said witches promisit to procure my Lord's favor to hir husband; as namely Katherene NicClaartie in Blargoir and Nichachlerich thair, spous to John Glass MacEllar's son; and this woman wes the speciall counseller of John Oig to keep the convention of Dununc and promisit naething suld ail him; Euphrick Ninicol roy in Lismore, quhais counsell wes that John Oig suld pass out of the country in haist for sche saw an evil hour come on him; Christian Nichean vic Couil vic Gillespie in Lismore quha also tuik in hand to do gude to John Oig. Sicklike the Deponer declaris that the messengir that passit frae hir to the witch of Morvene is ane woman of Lismore callit Mary voir Nievolvoire vic Coil vic Neil,

quha as the Deponer declairs is not ane witch but sche will see things to cum be sum second sicht.

Mair attour the Deponer confessit that efter John Oig wes put in ward the Laird of Lochnell wald haif tane frae her the lands of Cabrachan, and sen to her bostein wordes inhibiting her to cum towairt that toune. Notheless she cam neir the toune and sen for ane Nicholchannich dwelland in Dunnache and efter her cumin sche desyrit to see geif sche culd get the Laird his furie removit and that sche micht be sufferit to bruik her lands of Cabrachan, as it cam to pass, and farder this woman declarit that thaire wes syndrie of hir neibors quhom sche knew to be perfit in witchcraft and that they assistit hir in thair works to releif MacCouil then out of ward viz. the twa Niericherts, ane in Dunache and anuther in Soraba etc. etc. Thir personis daylie, the tyme of MacCouil's being in ward in Edinbrught, practisit witchcraft for his releif and daylie does practyse as his particulars requiris and farder the Deponer affirmit that geif my Lord Argyll, Caddel, and thair hail freinds and forces wald cum in Lorne with displayit banners zeit culd theye not deir MacCouil for he wes abel to resist thame by women. Item the Deponer confessit that about the moneth of September in zeir of God 1593 zeirs Ardkinglass demantit of hir geif the witches quhilk sche employit usit to name God or Christ in thair practices. To quhome it wes ansurit be the Deponer that it wes the forme that the witches namit God in thair words. Then Ardkinglass saide to the Deponer that he had ane man callit Patrick MacQueine,<sup>1</sup> a ministir, quhae

<sup>1</sup> This seems to be the Mr. Patrick Macqueen, son of Patrick Oig MacQueen, who was minister of Rothesay in 1589, and transferred to Monzie in 1595. According to *The Black Book of Taymouth*, p. 36, Sir Duncan Campbell—the Glenorchy of these documents—was wardit in Edinburgh Castle in 1601. 'throch the occasioun of certane fals leis and forged inventis of ane Donald Monteith, alias Barroun of Curquhyn, and ane uther callit Patrik M'Queene ane deboysched and depryved minister.' But whatever be the rights of this story, Mr. Patrick, on 22nd December, got from the king a pension out of the ecclesiastical revenues of Kingarth in respect of the 'gryt truble he susteinitt be certain broken men and evil disposit persons,' both in his person and in his estate.—*Fasti*, ii. 2, 773. See also The Macewens and MacSweens, by Niall D. Campbell, in *The Celtic Review*, vol. vii. p. 272.

wes a far better inshanter nor any of thame and usit not in his prectizes to name God, and Patrick's work of witchcraft and inshaintment wes verie oft hinderit and steyit be the rest of the witches becaus in thair work theye namit God and thairefore Ardkinglass commandit hir to discharge all the witches frae that tyme furth and Ardkinglass confessit to the Deponer that Patrick MacQueine was sae skillet in his craft that he culd mak up and big ane castel betwix the son gang and to the contrair.

And farder, Ardkinglass declairit to the Deponer that Patrick MacQueine foirtauld him, that baith him and Glenurchye suld be tane and zeit be tymes suld escheap be Patrick's moyan and farder Ardkinglass schew to the Deponer That geif Patrick wer to be tane and he had but sae muckle laesir as to invokate upon seven divils quhilks waitit on him he wald haif power thaireby to escheap and theye suld keip the skaithe that cam to prove him, and that Patrick MacQuine geif to Ardkinglass takins of his skill; he foirtauld that my Lady Argyll suld bring furth ane lass for hir first birth and ane lad nixt and that my Lord suld tyne ane feild in the quhilk the nixt best in the bair heid<sup>1</sup> suld fall; and farder that Ardkinglass tauld to the Deponer MacQueine had uther ministirs, companionis with him in his craft, and furder geif Patrick wes sufferit to use his craft bot 7 zeirs unchallengit that he suld caus my Lord Argyll repent his proceedings and that he suld dryve him from plaice to plaice and suld not suffer my Lord to tak rest quhill he brocht him to the end of his lyfe quhilk suld be in the Lawlands and upon the cassay of Edinbrught and furder that geif he wes sufferit to perseveir in his doing he suld mak the haill name of Campbell in Argyll to fall, the housis of

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<sup>1</sup> This obscure sentence probably meant that the earl should lose or 'tyne' a battle, in which the next in succession to the Line of the Boar should fall. This happened at the Battle of Glenlivet in October 1594, when Archibald Campbell of Lochnell was killed. He had treacherously shown the enemy where the earl was standing, but the latter escaped, and Lochnell himself was killed with the shot. Lochnell was the next heir to the earldom. The boar, of course, is an allusion to the story of Diarmid, perpetuated in the crest of the Campbells.

Ardkinglass and Glenurqhye alone excepted, and that in the end the haill suld be pairtit betwixt theye twa and that theye suld differ amang themselves extreamly for the haill leivings of the Campbells and that the sword suld end the matter amang thame. The Deponer confessis that the sam day that hir husband John Oig wes first transportit frae Inshconnel to Dunune that she being at the side of Lochow she foregadderid with twa servands of Ardkinglass the ane callit Gillichallum MacChlerich and Colene Campbell, paige, quha willit her to comfort hir husband and not to lament his esteat as sche did, for thair maister Ardkinglass had ane contract that wuld be for thair releif, and thairefter the Deponer sent the same advertyzement to hir husband to Dunune with ane new brachanne and bad him be of gude courage and byde constant and farder the Deponer declairit that Gillichallum tauld her the same tyme the said contract wes sent be Glenurqhye with Mr. John Archibald<sup>1</sup> to Ardkinglass, being subscryvit be Glenurqhye and syndrie uthers, desyring also Ardkinglass to subscryve the sam and that Ardkinglass schiffliit and conveyit the contract out of Mr. John Archibald's hands promising to subscryve the sam and lockit the sam up in ane bannet cace and sent Mr. John hame to Glenurqhye without the contract and that the said contract wes altogether for my Lord's murther and keipit the said contract unsubscryvit be himself to the effect that be the reveiling thaireof to my Lord he might be forgiven of Caddel's murther and farder that the saide Gillichallum tauld to the Deponer that Ardkinglass sent Gillichallum to his brether Colene with the keys quhair the contract lay and ordainit Colene to send the contract with Gillichallum quhilk Colene did and cam agaitwart withe Gillichallum a peice and be the way Colene speirit quham to ordainit Ardkinglass the contract to be given? Gillichallum ansurit that Ardkinglass ordainit the sam to be givin to Nein vic Conoquhoy<sup>2</sup>

<sup>1</sup> A Mr. John Archibald appears about this time as procurator for Glenorchy.

<sup>2</sup> So named as being a daughter of Campbell of Inverawe, who was styled MacConochie.



spous to John Oig, the Deponar; quhilk quhan Colene hard he grew in a raige and tuik the contract frae the lad againe and said that Ardkinglass had ane air himself and rather suld he suffer for his awin falt nor that contract suld be reveilit to the wrak of the haill name of Campbell; quhilk necessarlie in caiss that woman gat the sam in hir hands and sae sent him hame bot the contract. Ardkinglass percaiving that baith himself and John Oig wer put to a strait and culd not get the saide contract for thair releif he thairefter wret ane sharpe letter to his brether and the Bishop of Brechen<sup>1</sup> assuring theme geif they wald not send him the contract, he suld reveil to my Lord that they detainit the sam. The Bishop and Colene perceiving Ardkinglass to be sae desperate, the Bishop, thairefter, at the conventions of Glasgow, procurit licence of my Lord to speik with Ardkinglass in Carnaserie albeit his intent was naething, bot onlie to deliver to him the contract forsaide and in respect that nane of thair subscriptions wes at the saide contract they thocht to be exonerate of Caddel's murther and all things for the reveiling of this contract and making my Lord forseene of the conspiracie agains himself. Bot the Bishop tuik a feir and passit not forward and send the saide contract be the berar Gillichallum to be given to the Deponer. The said berer came to the deponer's hous within a mile with the contract bot in the meintyme in the mure above the hous Mackoell the Deponer's awin servand meets with the said Gillichallum and tells him that John Oig wes buited<sup>2</sup> and that he had reveilit the murther of Caddel and that by himself and Ardkinglass; and thairefter Gillichallum said to Mackeoll, fy on it, had I cum sunner I had on me that wald haif saifit John Oig and Ardkinglass baith, and thairefter desyrit the boy, as he luifit his master or Ardkinglass, not to speak to onie person that

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<sup>1</sup> Alexander Campbell, Bishop of Brechin (1566-1606), was a younger brother of Sir James Campbell of Ardkinglas.

<sup>2</sup> The word is *bruit* in Mr. Campbell's copy. But Gregory, who had seen the original, distinctly says (*History*, p. 252) that John Oig had been 'put to the torture by the boots.'



ever he saw him. Mair attour the Deponer confessis that Thomas MacNair servant to Ardkinglass send hir word that he had seen this contract and the haill subscryvers and that the sam wes of veritie and the boy that brocht that word frae Thomas MacNair out of Carnasserrie wes callit John MacConnoquhy vic Keries. The namis of the subscryveris of the foresaide contract are thir personis following, George Earl of Huntley Archibald Campbell of Lochnelletc. etc. The sam contract wes sent first subscryvit be Huntley to the Laird of Lochnell withe a speciall man of Clan Fersone to the Isle of Naib<sup>1</sup> quhaire the Clan Fersone [man] and his cumpanie to the number of four or fyve personis remainit for the space of four days and the Laird drank in cumpanie with thame a punshione of wine and the Laird maid the bruit to gang that they were men of Angus MacConnells of Dinivaig, bot anc callit MacConoquhy Reyoch, dwelland at the Connel, quha transported thir sam men to the Isle of Naib reveilit to the Deponer that it wes Northland men of Huntlies; bot the sam Conoquhy Reyoch repentit thairefter and said, geif Lochnell and his wyfe get wit of this that I haif reveilit, theye will tak and hang me. The rest of the subscryvers namis are thir—MacLeane, Glenurquhye, MacCouil, John Stewart of the Appinc and syndrie Lawland nobelmen. Farder the deponar declairs that Donald Campbell of Kilmore hes subscryvit the saide contract and that he and his bairnes wer all bund to tak pairt with Glenurche and Ardkinglass in all thir affairs; and sicklike the Deponer declairit That at the tyme quhan Glenurche wes accusit, and quhan Ardkinglass and John Oig passit to the Northland to bring in the provis agains him, Glenurquhie, that John Oig insisht earnistlie with MacCoildwy<sup>2</sup> to understand of him quhat he knew anent the saide contrac. To quhom MacCoildwy ansurit John Oig, geif it be trew, as is reported to me, that ze wald haif this matter, trewly tryit, then fail not to tell my Lord Argyll

<sup>1</sup> Probably Eilan-an-Abb in Loch Etive.

<sup>2</sup> Cameron of Lochell.

as I tell you; to whilk John Oig answerit, I will tell all things to my Lord sae that it hurt not me and my awin freinds. MaeCoildwy answerit I regard not quhidder it hurt zou or zour freinds or not; bot sen ze seik the trewth, speir that matter at zour awin brether Lochnell for geif thair be onie conspiraie againts my Lord Argyll it is be him in speeciall. Thairefter John Oig at his returning hame schew this matter to his wyffe the Deponer and soecht hir opinion quhat he suld doe. The Deponer taks on hir conscience sche willet him earnestly to be plain with my Lord Argyll as MaeCoildwy spak; bot he did the eontrainr and said to her he culd not wrak his awin brether bot wold rather geif my Lord a fair ansuir. Farder the Deponer declairit that at the sam tyme quhan my Lord tuik his great seikness in Stirling, in the winter efter his marriage,<sup>1</sup> the Laird of Ardkinglass send his paige, callit Colene, to Stirling with ane mass of lettirs, and that the said Colene the paige eam first to the Deponer's lodging quhair sche and hir husband John Oig remainit in Stirling, and delyvirit to the Deponer threi rois nobilis and bad the Deponer bid hir husband drink the sam quhill mair wer sent to him; and the Deponer efter lang conferenee with the said paige greapit the said letters in his boosome and fand ane great letter amang the rest direct to Mr. James Kirk<sup>2</sup> and in the same letters inelosit threi rois nobils also directet to him frae Ardkinglass and the saide paige declairit to the Deponer that his haill errand wes onlie to Mr. James, and that he had spoken to Mr. James, and Mr. James had promisit to meit him, the paige, at my Lord's Closs heid and reeeafe frae him the letters and the gold sae sun at it wes nicht quhan nae person micht sie; and efter that the paige had deliverit the saide letters and the gold to Mr. James he plenziet and saide it wes owre littel for sie turns as he had tane in hand to plaisir Ardkinglass. The quhilk Mr. James said to the page geif they wer knawin be my Lord Argyll it wer a suffieient caus to gar hang Mr. James himself; and

<sup>1</sup> He seems to have been married in the autumn of 1594.

<sup>2</sup> He seems to have been secretary and afterwards chamberlain to the Earl of Argyll.

efter that Mr. James hed keipit the paige a twa or thrie  
 nichts awaiting my Lord's sickness he sent advertyzement  
 to Ardkinglass, and thairefter the Deponer's husband  
 send the Deponar to Ardkinglass and at hir cumin thair  
 sche enterit in thir speeches withe Ardkinglass—Sir, we  
 mervail meikle at zou that suld haif enterprysit sic turnes  
 in Stirling quhairat my husband wes present, and made us  
 not foirseine thaireof, sieing for laik of advertysment wei  
 might a beine tane and puneist for that thing that ze enter-  
 prysit with Glenurquhye and George Balfour. To quhom  
 Ardkinglass answerit, ze mister not feir nor zour husband  
 John Oig, for I suld ever be your warrand in all matters  
 that may fall out; and as twitching that and all uthers  
 my affairs I have a sure freind at Court with my Lord  
 Argyll to wit Mr. James Kirk quha wes to advertes me  
 in all things as I pleis and quha advertist me that my  
 Lord wald but dout depairt this lyfe that sam nicht that  
 I, Gleniurchye and George Balfour enterprysit that last  
 purpose at Stirling whairat your husband wes present.  
 Mair attour—the Deponer declairs that quhan Mr. John  
 Arch<sup>d</sup> wes in InshConnel a prisoner, that it wes onlie Mr.  
 James Kirke's letters quhilks he send to Mr. John that  
 steyit him to confess the veritie; lykeas Mr. John Arch<sup>d</sup>  
 send his advertysments to Inveraray weekly with Doncan  
 McCormick in his foule sarks and deliverit the sam to  
 Maistress Annis maddin quha deliverit the letters to Mr.  
 James and quhen Maistress Annis maddin had washin the  
 sarkes then Mr. James inclosit his letters directed to Mr.  
 John thaireuntill and sac send them weekly to uthers  
 betuix the foul sarkes and the claine; and the speciall  
 argument Mr. James usit to perswaid Mr. John to remain  
 obstinat wes thes. That my Lord Argyll durst not tyne the  
 Lawland friendship of Mr. John's freinds for onie gude  
 the puniesment of his person nicht doe; and tharefter that  
 Mr. John Arch<sup>d</sup> stood constant at the Denyall and to veri-  
 fy the same Gregor MacGregor vic Jeane being prisoner in  
 InshConnell also with Mr. John aft tymes fand Mr. James  
 Kirk's letters in Mr. John's sarks and Mr. John's letters  
 directed to Mr. James quhilk he will not deny.

Follows the means how Ardkinglass was releivit out of Carnasary.

The Deponer also declairit that Ardkinglass sent Gilli-challum MacChlerich to the syde of Lochow quhaire the deponer dwelt and shew to her that Ardkinglass had perswaidit Donald Campbell brethir to to convey him out of Carnasary and that it wes agreeit upon amonges thame that Donald suld haif a twa merk land for ilk mark land he hes already, to let Ardkinglass to liberty, and desyrit the deponer to speik to hir husband John Oig for his opinion thairenant seeing the matter was endit and that they wantit naething bot a notter to mek the contract according to the quhilk the Deponer spak to hir husband quha answerit, fy on him, beist that spaires onie thing to saife his awin lyffe. Always thairefter the Deponer affirmes that the said Donald Campbell repentit and refusit to enter in the doeing with Ardkinglass and that thairefter Ardkinglass of craft causit meikle wyne to be brocht to Carnaserie quhaire efter meikle drinkin of wyne Ardkinglass and the said Donald agreeit that Ardkinglass suld marry his dochter and infest her in certain his lands and geif to himself auchteen mark lands in heritage for the quhilk the said Donald promisit for his pairt to assist and help Ardkinglass in all things efter his power his lyffe and heritage onlie exceptit and suld seik all meins for his releif, and geif he saw nae uther but imminent death to Ardkinglass prevene the same and put him to libertie for the saifty of his lyffe. Finally the Deponer affirmes that the said Donald usit also to geif Ardkinglass intelligence out of my Lord's Court sae far as he could lerne aither by Macklane's moyan or yet his awin.

This is the very trew deposition and confession of the saide Margeret Campbell freely maid and givin up be hir but onie kind of tortor<sup>1</sup> interrogators or cumpulsion in

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<sup>1</sup> This is in pleasing contrast to the proposal made in 1751 by Sir C. Hanbury Williams, British Minister at Berlin, that the mistress of Field-Marshal Keith should be kidnapped and tortured in the hope of making her disclose the whereabouts of Prince Charles Edward.—A. Lang, *Pickle the Spy*, pp. 117-18.



taikin quhaireof sche hes subserivit thir presents as follows day zeir and place foresaide.

I Margaret Campbell with my hand at the pen  
be the notter underwretten at my command.

Ita est David Reid Notarius Publicus ex mandato dictae  
Margaretae scribere nesciens ut testa manu mea.

*Sic subscribitur*

NEIL CAMPBELL. Witness.

ALAN MACDOUGALL of RARAY. Witness.

MR. DONALD CAMPBELL. Witness.

V. ARDKINGGLASS CONFESSION ANENT THE MURDER OF  
THE LAIRD OF CALDER ETC. 1594.

At Carnaserie the 21st May Anno 1594 zeirs quhilk day  
John Campbell of Ardkinglass being examined anent the  
cruel murther of umqle John Campbell of Calder and  
conspirisie intended againts the esteat and standing of  
Archibald Earle of Argyle Lord Campbell and Lorn being  
movit in contience declairs as follows. Deponis that  
there is a contract past betwixt this Deponer and Duncan  
Campbell of Glenurchye of the deat at [sic] the  
day of whairin aither of them  
obleist themselfis to cut away the Laird of Calder's lyfe  
and to that effect then obledgt them to direct four able  
men, viz: the Laird of Glenurchye two, and this Deponer  
uther two to wait upon him at all convenient places and  
shuit him privilie quhilk ungodly deid in end was accom-  
plish be Gillipatrik Oig MacEllere at this deponer's  
speciall desyre and declaires that the saide Gillipatrik  
Oig shot him with the reid stockit hagbit quhilk the  
Provost of Kilmounde has presently.

*Item.* The Deponer declaires that this contract was  
craftily conveyit away frae him be the saide Duncan  
Campbell of Glenurchye in Downoone the moneth of  
or thaireby the zeir of God 1590 zeirs att quhilk



tyme the saide Doncan then did shew to this Deponer ane uther contract subscryvit be George Earle of Huntly, John Lord Chancellor John Lord Maxwell calling himself be that subscription Mortoune etc.<sup>1</sup> on the one pairt and Archibald Campbell of Lochnell, the said Doncan Campbell of Glenurchye, John Stewart of the Appine and Doncan MacDougall of Dunnolich containing ane great blank for others on the other pairt whairein both the saids parties contracteres binds and obledges them to murther and destroy Archibald Earle of Argyle and his brother Colin Campbell of Londie umquhill James Earle of Murray umquhill John Campbell of Calder. Be this contract the saide Archibald Campbell of Lochnell takand the burdine upon him for the haille name of Campbell obliged him he being freely placit Earle of Argyle thorow the death of the saide Archibald and his brother and be the assistance of the saids persons to infest and sease the saide John Lord Chancellor inn all and haille the lands of Pincartoun—<sup>2</sup> the saide Doncan Campbell of Glenurchye in all and haille the lands of the Baronie of Lochow and the lands of Bendraloch and the said Duncan MacDougall of Dunnolich in the lands of Loynge and the saide John Stewart of Appine shall have gotten the haille Lordship of Lorn at leist my Lord Argyll's pairt thair of.<sup>3</sup>

*Item 3.* And this should have beine geveine to the saids personis respectife for their assistance in contriving and committing of the saide crewall murther and for mentaining and defending of the saide Archibald Campbell of Lochnell be law and utherwayes in the possessione of the Earledome of Argyle.

*Item 4.* This contract beinge showen to the Deponer subscryvit be the saids personis in manner and at the

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<sup>1</sup> John, eighth Lord Maxwell, a grandson of the third Earl of Morton, was created Earl of Morton on 29th October 1581, soon after the execution of the Regent. See *Scots Peerage*, vol. vi. p. 482.

<sup>2</sup> The barony of Pinkerton in East Lothian had been granted to the first Earl of Argyll, in 1483, on the forfeiture of Albany. Its acquisition must have been regarded as very desirable by the Chancellor as proprietor of Lethington.

<sup>3</sup> Glenorchy held one-third of Lorn under Argyll.

tyme above written the saide Doncan Campbell of Glenurchye desyrit the Deponer to subscribe the same and for his rewaird and concurrence to this murther offerit to give him the lands of Balquhane and so many uther lands as pertenes to the saide Earle of Argyle within the Ile of Rosneith and then offerit to fill up the blanks of the contract with his awin hand wret for his security, and farder would have oblegit himself to cause the rest of the subscrivers stand content thairwith quhilk the Deponer then refusit, for the quhilk the Laird of Glenurchye bostit him and saide he was not wordie of the reward that he and the rest of the subscrivers thocht to have gevine him and saide he shold caus the Deponer to repent the same frae the vanes of his heartc.

*Item 5.* And farder the Deponer then cravit frae the Laird of Glenurchye the band maid betwixt them anent Calder's murther who refusit the same and said he wold keep it as an aweband aboone the Deponer's heid in caise he wold accuse him of the contract annent the Earle of Argyle's murther and them departit from him in ane great raige.

*Item 6.* The Deponer declairs that in the moneth of June or thairby in anno 1592 the Laird of Glenurchye show the Deponer the fornemit contract subscrivit be the personis foresaide at Kilbryde in Monteath and desyrit him to subscribe the same and then shew this Deponer that he was in great strait annent ane band betwixt himself and Huntly, and desyrit the Deponer to band himself with the haill Barrons of Cowall, likeas the Laird of Glenurchye promised and taik in hand to band with the Barrons beyond Lochfine, except Achinbreck whom he desyrit the Deponer to make on his side and so the country bein broken the Earle of Argyle suld be compellit to seek thair friendship and forget uther purposes, for he and his predecessoris had ever found greater freindship frae uther noblemen nor ever he fund in his Cheife or his hous.

*Item 7.* The deponer declairs that in the moneth of May or thairbye in anno 1592 he and Glenurchye beinge

at Finlastoune<sup>1</sup> with the Earle of Glencairne the Laird of Glenurchye shewed him this contract subscryvit be the personis foresaides and desyrit him to subscryve the same againe of new and he obscurit ane pairt thair of frae him at that tyme for what cause he knoweth not.

*Item 8.* And farder depons that the Laird of Glenurchye sent the forenamit contract to the Deponer with ane uther gentellman of credit quha beirs ane publick office, and will have als great faith and credit in judgement as the Laird of Glenurchye, desyreing the Deponer to subscryve the same whilk he then refusit to doe and this was done in Edinburg the time of the last day of law quhan the deponer was pershewit be Calder and his friends anent the murther of his father.

The trial was then put off for some time longer.

*Item 9.* And further deponis that he wold have showein this matter to the Earle of Argyle and his friends in Donoone when he and Glenurchye sent the Deponer word frae the Carricke<sup>2</sup> with the Laird of Ardnacapell desyring the Deponer not to accuse him before his Lordship and friends in anything that might take away his lyfe or lands, and the deponer testifeit this to be of verity and offers him to prove the same before any judge or judges spirituall or temporall within this realm. In witness whaireof he has subscryvit this his confession and aith as followes before thir witnesses Mr. Neil Campbell, Bischop of Argyll, Archibald Campbell, Provost of Kilmounde, Mr. George Arskin brother to the Earle of Marr, and Mr. John Campbell Commisar of Inverness.

*S. Subscribitur*

ARDKINGGLASS.

NEILL CAMPBELL. Witness.

GEORGE ARSKINE. Witness.

ARCHIBALD CAMPBELL. Witness.

JO. CAMPBELL. Witness.

<sup>1</sup> Finlayston in Renfrewshire—long a seat of the earls of Glencairn.

<sup>2</sup> Carrick Castle on Loch Goil, one of the numerous strongholds of the earls of Argyll.

## THE MURDER OF THE LAIRD OF CALDER 179

VI. The above namit John Campbell of Ardkinglass being farder examinat and interroge confesseth as followes.

*Question 1.* When and whaire was the first communing betwixt zou and Glenorchye anent any particular ill will againts Calder? It is answerit in summer 1591 being in Edinburg in cumming up the gate to Syme Nisbet his booth to luik an stick of browne velvet quhilke he bocht not at that time.

*Question 2.* Quilk of you proponit zour mind first to uthers anent ill will againts Calder?

*Answer.* I declairing unto him quhow Calder had sent unto the Chancellar ane letter desyring him to purchase of the King ane letter to displace me frae the Government of my Lord Argyll and to place himself in my room quhaire upon the Laird of Glenurchye tuik occasione to speak to me in this forme. That my umquhill ffather had at all tymes bene his great unfriend speciallie in the choosing Marr, Calder, the Maister [of] Glaimis and uthers my Lord Argyll's Curators and in rejecting him, Montrose, the Sherriff of Air<sup>1</sup> and Mr. John Grahame quhilke was the occassione that ffand my fathers inconsideration in that doeing and that he was my unfreind thairby as well as his. For if he and these nobellmen had bene chosin in Calder's and the uthers roomes that I wuld not have bene sae destitute of friends and he wuld not have had the power to have undermined me as now he dos.<sup>2</sup>

*Question 3.* Quhen and quhaire met ze and Glenurchye nixt? and had comuning anent Calder?

*Answer.* In Castle Keilcharne<sup>3</sup> in the end of July 1591 at the tryst betwixt Glenurchye and the Clan Gregor appoynted be the Earle of Argyle for componing thair variances.

*Question 4.* Quhat conference had ze with him thaire?

*Answer.* Quhat think ze, says he, quhow yor father

<sup>1</sup> Campbell of Loudon.

<sup>2</sup> It appears that on 8th June 1592 Argyll's curators were 'Johne Lord of Thirlestane, Duncane Campbell of Glenurquhy, Johnne Earl of Mar, and George Earl Marisrael.'—*Privy Council Register*, vol. iv. p. 756.

<sup>3</sup> Kilchurn, on Loch Awe.



brother is usit be the Ogilvies.<sup>1</sup> I think says he that Calder being thaire friend is cauld in thaire turns—quhat think ze says he, qhow I am misusit at this tyme be Calder his mantenance of the Clan Gregor? I se although zear father be away it is not in your power to help me and if he (Calder) war away thaire is nane worthie of his roome but I. As for Lochnell he is little guid worth and as for the Bishop if he did not as we did wee suld send him hame to his buiks. Then, says he, I and ze suld guide all efter our awin will and quhatsumevir commodity might be spyit out that suld be equally pairted betwixt us baith; and conjunctly we suld endeavor ourselves to seik the same except soe mutch as every one of us bocht with his awin sillar. Then said I qhow can that be don seeing he has eschapid his seikness. He ansurit to cause some abel young man shuit him in his travaillin or in a thack hous quhaire he usit comonlie to lodge. Then said I it is not possibil to be done; word sall be gotten of it . . . he ansuris why soe? if the man quho shoot sall eschape efter the deid done zou and I are not worthie to lieve if we cannot cut him away directlie and if he be presently slain we have the less ado sae that nae man sall know quhow has don it, he having nae hand wret thairupon. All this wes spoken at the Sauchen trees at the Lothead.

*Question 5.* Granted ze at that tyme to his desyre anent the cutting away of Calder's lyffe?

*Answer.* In word agreeit but not put in wret.

*Question 6.* Quhen and quhaire mett ze next?

*Answer.* In Inverarie imediatlie thairefter, for we came over out of Glenurchye together and lay in the old toure.

*Question 7.* What conference had you thair?

*Answer.* First wee recommoned all things which wee had in hand upon the Coich of Glenurchye. Then more particularlie wee advysit in quhat manner the execution suld be done and that a wret suld pass betwixt us thairupon, quhilk instrument, efter our rising before our

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<sup>1</sup> For a complaint by Lord Ogilvie of a raid by the Campbells on Glen Isla, see *Privy Council Register*, vol. iv. p. 682.



disjune, according to our resolution taken in our bed I put in forme whereoff the effect is this. The first heads are conforme to the communing we had upon the Coich of Glenurchye anent the cutting away of Calder—the inbringing of him to be my Lord's Governor and the divisione of all comodities as is spoken in the 4 article ffarder it containit that two suld be directed be every one of us for the execution, and quhomsoever of our men did the turne, the deid suld alike appertain to us baith. The quhilk contract, efter that I had to the effect foresaid formed he and I subscryvit the same. Thereafter I left him in saide chamber alone and he copied it with his awn hand wret and he and I likewayse subscryvit the same; the quhilk he gave me, and retained in his awin hand it quhilk wes subscryvit be me and him baithe.

*Question 8.* Was thaire any message betwixt you for hasting the execution?

*Answer.* None speciallie but generallie to remember our deuities toe ane another.

*Question 9.* Who was directed be you for the execution?

*Answer.* First I employed Duncan Campbell quho scarred with it and refusit it although he made a manner to accept it for pleasing off me. Then I employed Gilmertine M'Eller qho flatly refused thairefter I chairged Gillipatrik Oig MacEller qho accepted and executed the same.

*Question 10.* What comoditie gave ze to Gillipatrik Oig for doeing the deed and Gilmertine for concealing thairroff?

*Answer.* I promised to Gillipatrik Oig<sup>1</sup> ane officierie, with ane merk land which follows the officierie, after John M'Ewene his decease and another merk land to Gilmertine in some uther pairt for fear he suld have revealed because he tuik not the turne in hand and upon this I gave them a little ticket and during John MacEwene his lyffe

<sup>1</sup> There were numerous officers—*e.g.* maors, sergeands, etc., in Argyll. The position was one of some emolument.

Gilpatrick bruiked zeirly twenty pundis of the dewtie of my lands of Ardnò.

*Question 11.* Who wes uther upon the consell of this deid be zour revealing or if ye knew anie uther to be privie thairunto ?

*Answer.* I revealed the same to none except thir three mentioned in the 9 Article and John Oig Campbell to quhome I revealed the same in Dunstaffneis qho with the rest was sworne to me and I to them never to reveal same.

*Question 12.* Shew ye ever to Glenurchye the names of such men as wes upon the counsell ?

*Answer.* Never before the deid wes dune but after—I only declared unto him that Gillipatrick Oig was only privie with me thairunto and the execution only.

*Question 13.* Had ze never no other conference with Glenurchye anent Calder's murthuring efter the making of the contract at Inveraray ?

*Answer.* At all tymes quenever wee mett. And first at Glasgow at that tyme quhen my Lord came to the Lawland country, being summoned to compear before the King and Counsell be the Ogilvies moyen, for that same nicht that Glenurchye came to Glasgow to meet my Lord he sent for me and I came to him to his lodging far within nicht, quhaire, in his chamber before the fire I recommoned all things as wee had both spocken and wretten of before. Then he demanded of me if I had done any thing to the purpose we had intended. I anserit that I had, but indeed I had done nothing at that tyme thairanent ; sicklike in all our journeys and at all tymes quenever occasion served he renewed his language especially at Edinburgh that day my Lord convened in Janet Cornuells high gallerie, he taking occasion upon the consultation quhilk my Lord tuik with his friends thairupon, he began with me in the mid gallerie quhaire my Lord lay in the window nearest the chimnie and said, quhat think ye of this, qhow wee are usit, for my Lord and the rest (quhom zour ffather choosit to be my Lord's curators) means naething but to lay over the

burden of the Ogilvies upon us ? If wee had beine als busie as we are wyse we had dune our turns in tyme againts Calder and he had not beine to the foir to have wrocht this againts us this day.

*Question 14.* Quho was with Gillipatrick Oig quhen he schot the Laird of Calder and with quhilk hagbit ?

*Answer.* None but himself and he schot him with my reid stocket hagbit quhilk I gave to the Provost of Kilmounde.

*Question 15.* Quhan and quhaire revealit ze to Glenurchye the doers of the deid ?

*Answer.* At the conventione holden at Dunune the  
day of<sup>1</sup> 1591 zeirs in the Kirk Yeard quhilk was the first tyme wee mett efter the murther of Calder.

*Question 16.* Quhat counsell gave he zou for concealing the died ?

*Answer.* At that tyme, and all uther tymes quhan we mett since syne, he desyrit me to posseyne or caus slay Gillipatrick Oig MacEller—ance namely in Finlarg ganging at the rainge of trees betwixt the and the hous he questionit me verie sore quhither any uther then Gillipatrick Oig was privie toc the Laird of Calder's murther quhilk I denyit constantly. Then he assurit mee if any uthers knew of it by hime that it would dowtless break up and wrak all; and anuther tyme in that same place, he lyand sick and I sittand on his bed side he usit the same language at that tyme, quhan I borrowit from [him] one thousand merks for which he has my obligatione and sillar wark in pledge.

*Question 17.* Quhat uther comuning had ze in Dunune at zour first meeting after the Laird of Calder's murther ?

*Answer.* That same morning when he counsillit me to cut off Gillipatrick Oig he enquirit of me where wes the band quhilk I had of his hand wret anent Calder's murther. I answerit that I had it in this towne. Then he desyrit me

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<sup>1</sup> The date must have been between 4th February and 25th March 1592, according to modern reckoning.

to shew it to him and he would shew me a thing that wold make me a man and would be a suretie and standing to us both notwithstanding of any thing that wes dune. Thaireupon I promisit to shew it unto him and in the efternone, my Lord playing at the foot ball with Achin-break and uthers scholaris, wee passit beyonde the two butts to a littel knowe and lay downe upon owre bombs, our faces toward my Lord playing, quhaire at the furst he speirit iff I had the contract aboute me. To the quhilk I replied I had it. Then he desyrit a sight thereof and I againe desyrit a sight of that quhilk he promisit to shew mee, quhilk he denyit until I first shewe him his band, and I tuik it out of my sleive and gave it him in his hand quhow soon that he had markit weel that it wes it he put it up into his slieve and thairefter opened the buttons of his coat and duplet and tuik out ane contract wreten in parchment off the quantity of this leaf of paper with many tags hinging thairat of a verie fair hand wret in English without dete or witness.

*Question 18.* Quhat were the personis contractors and qhow many wer they ?

*Answer.* At that tyme quhan I saw it furst thear wes 7 subscriptiones at it. On the one part George Earle of Huntly and John Lord Thirlistane and umquhill John Lord Maxwell, calling him be that subscriptione Mortoune with a great blank to put in uthers namis. On the uther pairt Archibald Campbell of Lochnell, Duncan Campbell of Glenurchye, John Stewart of Appine, Doncan M'Dougall of Donollich with ane uther blank for putting in uthers namis : the end of every one of thir blanks bearing this word conjunctlie.

*Question 19.* Quhat is the tenor of the saide contract ?

*Answer.* The foure above written to witt Archibald Campbell of Lochnell, Doncan Campbell of Glenurchye, John Stewart of the Appine and Doncan M'Dougall of Dunollich binds and obligis themselves to travell be all means to cut of and slay Archibald Earle of Argyle Lord Campbell and Lorne, Colin Campbell of Lundie his brother, James Earle of Murray and John Campbell of Calder, with



express provisiones anent James Earle of Murray iff he haunit or usit the place of Doune or the Brayes of Monteath, for the quhilk the uther thrie above written to wit George Earle of Huntly, John Lord Thirlistane, John Earle of Mortoune be this contract binds and obligis them conjunctlie to fortifie mentaine and assist the uther foure contractors on the uther part in Cuirt<sup>1</sup> be law, and utherways be thare force and assistance, and also binds and obligis themselves conjunctlie to place and establish the Laird of Lochnell full Earle of Argyll efter the quhilk establishing the saide Archibald Campbell of Lochnell being Earle of Argyll binds and obligis him to infest and sease the saide Lord John Thirlistane in all and hail the lands of Pencartone and to infest and sease the saide Doncan Campbell of Glenurchye in all and hail the lands of the Barronie of Lochow and the lands of Bendraloch and to infest the saide Doncan M'Dougall of Donollich in the lands of Loyng and to infest the saide John Stewart of Appine in the hail Lordship of Lorne at least my Lord Argyll's pairt thaireof.

*Question 20.* Wes the hail contract of ane hand wret ?

*Answer.* The body of the contract is of ane hand wret but the names of the contractors contained in the body of the contract and the namis of the foure quhilk suld have been cut off, ane diverse uther hand wret frae the contract.

*Question 21.* Efter that ze had read the contract what uther comuning wes betwixt you ?

*Answer.* He desyrit me to subseryve it quhilk I refusit ; whaireby he was movit to a great raige againts me : thairefore I desyrit of him the band quhilk he had made mee at Inveraray anent the cutting off of Calder, quhilk then I deliverit to be sightit and luikit on be him ; but he plainlie refusit to give me it againe but wold keep it as ane awe band abune my head because I refusit to subseryve the same great contract concerning the cutting off of my Lord Argyll and the rest mentionit in the 19<sup>th</sup> Article. Thaireupon thaire began betuixt us a great alterca-

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<sup>1</sup> *I.e.*, Court.



tion and I perceiving that he wuld on no ways give me the bond quhilk I had newly then given him I contentit myself and desyrit of him anuther bond of the tenor of the former but he refusit altogether to mentione anie thing concerning the cutting away of Calder thaireunto, at length wee agreed to make a new band quhilk wes deliverit to Charles Campbell of Kilbride be both of our consents to be kept quhilk he has presentlie. Then wee began to confer upon a security for our own standing and comoditie the quhilk was thocht meitest to be in making him weakest within Argyll and therefore tuik occasione to find a way to tak frae him (Calder) the lands of Muckerne<sup>1</sup> because Doncan Macdougall of Dunollich had declairit to me that these lands wes loose at the first tyme I wes in Dunollich for advancing of the quhilk turne, Glenurchye promisit to furnish siller becaus he was better bodin, and for profite of his sillar quhilk he sould have furnisheit for my pairt thaireoff he sould have the profit of my half of the lands for as meikle else he wanted of the sillar until he wer repeyit be me.

*Question 22.* Had Glenurchye anie farder language at anie tyme concerning the great contract againts my Lord Argyll and the rest appoynted to be slain?

*Answer.* In dyveris places and dyveris ways furst in Kilbryde upon the Green in June 1592.

*Question 23.* In quhat manner began he his conference with you?

*Answer.* First he declairit unto me qhow at the convention in Stirling frae the quhilk he wes newly com he had bene my great freind, and although all men had promisit to leave off freindship with me, neither to seik nor have uther familiarity with me yet he hae not agreeit thaireunto. Also he declairit unto me that my Lord Argyll had straitit him verie sore about a band quhilk he had with Huntly and had desyrit them to brake the same. Then I demantit him why he had not done it. He answerit

<sup>1</sup> Muckairn, on the shore of Lochetive, pertained to the Abbey of Icolmkill, and was acquired on the usual prettexts by Sir John Campbell of Calder in 1532. —*Origines Parochiales*, vol. II. i. 133.

that bairns behovit to have fair words, but for his awin pairt he assurit me he wold not ; for his hous had ever fund greater freindship in uther noblemen then in his chieff. Then he began to put me in an ill opinione of my Lord assuring me that there was noe hope that ever I should recover his favor and therefore he counsellit and advysit me that the meitest way to constrain my Lord to put both me and him in our places wes that I sould for my pairt mack bands with the barrons and gentellmen of Cowall and with the Laird of Auchinbreek on the other side of Loehfine and he for his pairt tuik in hand the rest of the barrons and gentellmen in Argyll and Lorne through quhilk doeing wee might easilie break and shaik loose the country as he promisit to devyse and find the moyen. Thereefter my Lord sould be in such and so perilous an estate that he wes nae ways abell to establish himself nor yet Mr. George Arskin and such uther prattie men as wes about him, but sould be forceit to seik him and me for that purpose and sae we might be brought in credit with my Lord again : utherways he sould have nae outgate by us : and he assurit me that Huntlie would be our back and assister, so thaireupon he openit his buttens and tuik out at that tyme the great contract anent the cutting off my Lord Argyll and the uther thrie above mentionit and presentit the same to me. This the second time eftir he had removit frae me at the Green to ane litell green know whaireupon Broom grows and turning his back to the folks upon the green he again desyrit me to subscriye the same the quhilk as before I refusit. Then he replyit I wes nae worthy to have that benefit shewen me quho wuld not accept of the same I being in such a strait that I wuld rew it efterward ; also that I declairit myself a beist in refusing to doe that quhilk wuld be a standing to me and that he wes unhappy ever to have to doe with me or such a beist as I wes.

*Question 24.* Quhen and where had he anie uther conference with zou anent the said contract ?

*Answer.* At all tymes and in all plaicis quhaire wee had occasion to meet and especially he prysied me by per-

swasions at the two tymes I met with him at Finlarg as it is mentionit of our meeting in the 16 Article and all uther placis but namely in Finlastoune in May 1593 at the baptizing of the Earle of Glencarne<sup>1</sup> his bairne befor the disjune in the chamber of Deace.<sup>2</sup>

*Question 25.* In quhat manner began he his conferences ?

*Answer.* First my Lord Glencairne being promoving with us in the saide chamber of Deace our comuning wes anent my day of law quhilk to be presently thairefter he usit sundrie open speeces and demantit quhither I wold enter Gillipatrick Oig or not. I answerit I wold but within a bonny while the Earle of Glencarne removing furth of the chamber thaireupon he tuik occasione by our solitarines to advyse me to cut off Gillipatrick Oig as he had at many tymes before, for he said it was a dangerous matter to present a fellow before a Judge seeing they had no countenance nor audacitie and I wes a great fool that keipit him to the fore so long for if he was away there was litel danger at that tyme. Then he demantit what friends I proposit to mak for me again my day of law. I replyit the Chancellor, my Lord of Spynie, and the rest of the special courtiers. Then he demantit quhat I thoct of Sir George Holme.<sup>3</sup> I answerit that since my Lord of Marr was so great with him I could not repose on him then he replyit that he had a good strack of that man and sould caus him be my good friend and that iff I wuld do as I ought to doe in subscryving the great contract quhilk twice before he had presented to me that he wuld tack upon him to mack the Chancellor serve my turn so I suld not have mister to give my geire to uther courtiers for that purpose and so he tuik it out of his bosome and presentit it to me to be subscryvit be me as he did before quhilk

<sup>1</sup> James, sixth Earl of Glencairn. He was married to a daughter of Colin Campbell of Glenurquhy, and was thus a brother-in-law of Duncan Campbell of Glenurquhy as well as of Lauchlan Maclean of Dowart. *Vide ante* p. 163, note 2.

<sup>2</sup> See Jamieson's Dictionary, *sub voce* Chambradeese, chamber of dais—a state apartment. According to others, *chambre où ils disent*, i.e. a parlour. Sometimes the name is given to the best bedroom.

<sup>3</sup> Alexander Lindsay, Lord Spynie, and Sir George Home, afterwards created Earl of Dunbar, were special favourites of the king.

then I refusit as at both the other tymes at this tyme he folded a lap of it for quhat caus I know not.

VII. THE LAIRD OF GLENURCHYE'S ANSWER TO THE LAIRD OF ARDKINGGLASS' DEPOSITION ANENT THE LAIRD OF CALDER'S murther and the alegit conspiracie againts my Lord of Argyll, the Laird of Lundie and the Earle of Murray.

It is answerit be the saide Laird of Glenurchye to thir twa heidis that he simpliciter denys that he wes ather airt pairt red or counsale of onie of thir foull turnes nather zett that ever he wes onie of the foir knaledge of any of them befor nor that ever sik thing was perticipat or revelit to him directlie or indirectlie sen syne be Ardkinglass or anie uthers bot be the contrair affirms the same to be altogider ane fals undeutiful invention. The quhilk he testifis and affirms to abyde tryal of as becummis be this answer subscryvit with his hand at the Carrick the twentic eight of June 1594 befor thir witnesses ane nobel and potent Lord, John Earle of Marr Lord Erskin, Hew Campbell of Lowden and Maister George Erskine brither to the saide Earle of Marr.

*Sic subscribitur* DUNCAN CAMPBELL OF GLENURCHYE.

MARR	}	Witnesses.
LOUDOUN		
GEORGE ERSKINE		
D. C. CARRICK		

VIII. ARDKINGGLAS TESTIMONIAL AT DUNOONE.<sup>1</sup>

I, Johne Campbell of Ardkinglas testifies afoir God and takis it on my saull that it that I subscriuit and spoke anent oure Contract of Conspiracie aganis my chief and maister the Erle of Argyle and his lordships brother the Laird of Lundie quhilk Contract wes said be me wes sub-

<sup>1</sup> For the history of this and the following document, see the Introduction, *ante*, p. 150.



scriuit be the Erll of Huntlie and Glencarne and be my Lorde Maxwell, my Lorde Chancellor and be Sir Duncan Campbell of Glenurquhay Knycht, Archibald Campbell of Lochnell, Duncan M'Dowgall of Dunnollich and Johne Stewart of Appin.

I testifie before God that thair wes never sic ane Contract maid or menit, but only inuentioun inuentit to eshew the trouble that might follow on me for Calderis slauchter. And as concernyng the samyn slauchter I tak it likwyis on my saul afoir the great juge that nether Glenvrquhay nor nane levand nor dead wer airt and part nor knew of it except myself, John Oig Gillipatrik Oig and Gillimartin his brother and Duncane Campbell Donaldsone, and testifies afoir God that I am sorrowfull in saull and in mynd anent the said slauchter and I testifie to all and sindrie thir premissis be thir presentis subscriuit with my hand at Dunvne the first of Julii the yeir of God 1 m v<sup>c</sup> fourescoir fouretene yeiris befoir thir witnessis, John Erle of Mar, Sir Hugh Campbell of Lowdown, and Mr. Neill Campbell Bischope of Argyle.

#### IX. ARDKINGLAS TESTIMONIAL BEFOIR THE MINISTERIE OF GLESGUOWE.

Be it kend till all men be thir presenttis me Johne Campbell of Ardkinglas that forsamekill as I being detenit captiue within the castell of Carnnaistrie as suspect for consentting foirknowledge airt and pairt of the murther of umquhill Johne Campbell of Calder, umquhill Johne Oig Campbell of Cabrachane being suspect and accusit for the same cryme nocht onlie deponit the weretie of the said murthour bot also to the effect his burdein and pvnishment therfoir mycht be the easier eschewit, subtille inventit and fenyait ane conspiracie to haif bein interprysit aganis my Lordis awin persone and his brotheris, quhairvpone he allegit ane band to haif bein maid and set downe thairannent, allegit subscriuit be the erill of Huntlie, Glenorquhaye, Lochinayell and dyuers vther nobillmen to the number of sevin or aucht personis,



that be the slicht and calumnius inventioun his former confessioun concernyng the murthour of the Laird of Cadell mycht be the easier louping our, quhilk band he allegit to haif bein in my keiping; and I being detenit captiue within the castell of Carnnaistrie vpone the suspitioun of the said murthour of Caddell, my lord haiffing apprehendit ane jelosie vpone the said umquhill Johne Oig subtill and fals despositioun, derectit the provest of Kilmone, the Comisser of Inuernes and Maister Donald Campbell naturall sone to the vmquhill Laird of Caddell to examinat and interrogat me vpone that speceall heid of the said Johne his depositioun concernyng the band and conspiracie allegit intendit aganis my lord and his brother; with ane speceall commissioun, gif I sould nocht delyuer the said band and reveill the leill circumstancis thair of conforme to the said Johnnis depositioun, to put me to the present tortor, quhilk thaye brocht in thair companie with thame and minassit and threatenit me dyuers tymis thairwith. Nochwithstanding I declairit be my bodelie aithe to thame undir the handwrett of Dougall M'airthour Sheref Clerk of Argyll that I nevir knew sik ane band nor conspiracie nather be word nor wreit. Neuirtheles persawcand that nathir my aithe nor purgatioun could awaill me, bot of force athir behovit I to depone and affeirme Johne Oigis depositioun to be trewe, or vtherwais to get no credeit and abyid the present tortor and demanyng of my ennemeis, quhairthrowe I wes constrainit compellit and foirsit for feir of the present danger nocht onlie to ratefie and aprowe the foirsaid fals depositioun maid be the said Johne concernyng the conspiracie allegit intendit aganis my Lord and his brothers lyif, in mair ampill and speceall forme thane the said Johne Oig sett it downe, be mentionatting of dyuers nobill mens namis, sik as I wes maist bund and adettit to in the cuntraye, that the mater mycht seim the mair credibill, bot also to mak my awin pairt concernyng the murthour of Cadder the lichter, I allegit the samin to be inventit be the laird of Glenorquhaye, and he be his band and faithfull pomeiss to haif fortefeit and assistit me

thairintill ; albeit as the Lord knawis and as I sall ansuer to his Majestie at the lattir daye, I onlie did it for eschewing of the present tortor and feir of my lyif, luiking according to the ressonne of fleche that sum moyane sould be maid be freindis for me in the maintyme, at my Lordis hand ; protestand befor God and his holie angellis that I newir knewe sik ane band nor conspiracie intendit aganis my lord and cheif nor his brother be onye of the saidis nobillmen, aganis quhom I vterit furthe sik calumneis as ar contenit in my depositioun at Carnnaistre nor be na utheris leifand or deid be word nor wreit, nather yet wes Glennorquhaye ewir airt or pairt be word or wreit of the murthour of the umquhill laird of Cadder, lyik as I testefeit at Dunnvne being captiue, in the monethe of (Julii 1 m v<sup>o</sup>) four scoir fourteen yeiris in presens of my lord and cheif, the erll of Mar, the Sheref of Air and the Bischope of Argyll. Swa nowe being at libertie and fredome, for releif of my awin concience, and removing the suspitioun fra the innocent, dois testefie be my greit aithe and handwreit and vpon the parrell of my saluatioun, all thir premissis to be of trewthe. Dyittit, wreittin and subscriuit with my hand at the Laiche Kirk of Glesguowe the penult of Maii 1595 befor thir witnessis Maister Johne Cuper and Maister Johne Bell Ministers at Glesguowe and Robert Chrynsid of Possill commisser of Glesguowe.

We undirsubscribeand being requyrit be the rycht honorabill Johne Campbell of Ardkinglas to convein withe him in the Laiche Kirk of Glesguowe to confer with him annent the resolutioun of his conscience trewlie with the sight and wecht of his greit sinnis, eftir dyuers suittis and intelligence haid of his estait, nocht willing our far to deject and cast downe ane penitent sinner, yeildit ; and efter dyuers ressonis in the place foirsaid at last he presentit befor ws this his declaratioun, chargein ws to testefie the same to be his wreittin and subscriuit with his hand. Eftir conferens in that mater withe him and haiffing adiured him befor the leving God to declair to ws gif it wes done of dessimulatioun for wairdlie respectis

or as movit in conscience for that particular, and being resoluid be him thairof, we causit him writ and subserieue the same our againe with his awin hand for our bettir warrand, and therfoir dois testefie that this is his awin confessioun wreittin and subseriuit be himself quhilke we do witness be our subscriptione manuall, daye yeir and place befor mentionat.

That the vendetta did not die out locally appears from the following extract from the *Privy Council Records* :

15 Oct. 1596.—Complaint before the Privy Council at Linlithgow by :—

John Campbell of Ardkinglass and Dame Jean Hammiltoun (dau. of John Lord Hammiltoun and widow of Sir Humphrey Colquhoun 13th of that ilk) his spouse.<sup>1</sup>

Upon the 8th August last while the said Lady was passing in peaceable manner to the place of Ardinkinglas [*sic*] Mr. Donald Campbell,<sup>2</sup> servitor to Archibald Earl of Ergyle, Johnne M'Nauchtane of Dundarrow, Dunean M'Nauchtane his brother, Alexander Campbell, Prior of Ardehatten, Johnne Campbell his brother, Coline Campbell son of the Bishop of the Isles, Duneane Garve M'donquhy servitor to the said Earl, Alexander Campbell of Torrence etc. etc. with their accomplices to the number of 50 persons, armed with weapons of the special sending and hounding of the said Earl 'umbeset the said Dame Jeane within tua pair of butt lenthis to the said place of Ardinkinglas' and there violently spulyied from her

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<sup>1</sup> As an infant Ardkinglass was, on 23rd July 1571, contracted to Annas Campbell, daughter of Sir Colin, sixth of Glenurchy, by Katherine, daughter of William Lord Ruthven. A second contract was entered into in 1586, stipulating that the marriage should take place before 22nd May 1586. After a brief married life of three years, Annas died in October 1589, and her will was confirmed on 24th December 1596.

From his statement, *ante*, p. 164, Ardkinglass was clearly unmarried in 1591, when he pretended he was going to wed a daughter of MacDongal of Dunolly.

He married secondly the above Dame Jean Hamilton, Liferentrix of Luss, widow of Sir Humphrey Colquhoun of that ilk.

Ardkinglass had issue by both these marriages.—N. D. C.

<sup>2</sup> This is the well known Donald Campbell of Barbreck Lochow, bastard son of the Laird of Calder, and later Kt. Bart. of Ardnamurchan.—N. D. C.

and her servants their horses, habiliments, her own chain the purses of her and her servants and certain gold and silver being therein 'maist shamefullie tirvit the claithis of thair servandis and compellit every ane of thame to scourge utheris with beltis and brydillis in maist barbarous and cruell maner and reft fra thame the keyis of the said place and forceit the said dame Jeane to returne bak again on hir feit; lyke as thay tuik and keipit in captivitie Johnne M'Gregour, ane of the said complenaris servandis,' within the place of Inverarae, quhairin he wes haldin be the space of three or foure dayis.' The said Lady appeared in person for herself and her said husband, and the accused for not appearing are to be denounced rebels (*Reg. Privy Council*, vol. v. pp. 322-3).

## GENEALOGY OF THE MACRAS



## INTRODUCTORY NOTE

THE Reverend John MacRa, to whom *The Genealogy of the MacRas* is attributed, was the second son of Alexander MacRa of Inverinate. After graduating at Aberdeen he was ordained minister of Kilmorack in 1667. In 1674, on the presentation of Kenneth, Earl of Seaforth, he was translated to Dingwall as successor to his uncle (*vide post*, p. 235), and remained minister of that parish till his death in 1704.

The minister of the neighbouring parish of Wardlaw at this time was the Reverend James Fraser, the author of the *Wardlaw MS.* (Scot. Hist. Soc., vol. xlvii.). The two ministers were men of similar tastes, and apparently on terms of great intimacy. In *Macfarlane's Genealogical Collections* (Scot. Hist. Soc., vol. xxxiv. p. 85) there is 'A Short Chronology and Genealogy of the Bissets and Frasers of Lovat, dedicated by Mr. James Fraser, Minister of Wardlaw, to the Reverend, his beloved brother, Master John MacRay, Parson of Dingwall.'

Not unnaturally the parson of Dingwall attempted to do for the history of the MacRas what his brother of Wardlaw had done for the Frasers, and for much of his information especially with regard to the Bissets and Frasers he was probably indebted to the latter.

Except, of course, for his own time Mr. John MacRa cannot be regarded as an authority of great weight. But he has certainly preserved, in an attractive form, a good deal of tradition—possibly quite well founded—which would

otherwise have been lost. His original MS. is not supposed to be in existence. But several copies seem to have been made. One of these was made by Farquhar MacRa of Inverinate, who was born about 1722, and died in 1789; and he also added to his transcript a great deal of information regarding various families of MacRas subsequent to the date when Mr. John MacRa's account concludes. This MS. now belongs to Sir Colin Macrae, the great grandson and representative of Farquhar MacRa, and an abbreviated copy of it is contained in the Gregory *Collections*.

Another copy was privately printed many years ago in Camden, South Carolina, by the late Mr. Colin MacRae, then representative of the family of Conchra, whose nephew, Major MacRae-Gilstrap, has kindly allowed the Editor to make use of a copy of this print, which, in its latter part, contains much fuller information than appears in Farquhar MacRa's original.

Through the courtesy of Sir Colin Macrae, the original MS. of Farquhar MacRa has been made available for a comparison, which has been most carefully carried out by Mr. A. W. U. Macrae. To all these gentlemen the sincere thanks of the Society are due.

A few notes have been added, which it is hoped may be found useful.

## GENEALOGY OF THE MACRAS

As to the origin of the MacRas, tradition tells us of a desperate engagement 'twixt two of the petty Princes of Ireland, in which a certain young man signalized himself by his prowess, defending himself from a particular attack of the enemy, which others observing, said in Irish words signifying he was a fortunate man if he could award the danger ; from whence he was afterwards called MacRath, *i.e.* the fortunate son.<sup>1</sup>

It is allowed this Clan were an ancient race of people in Ireland and had of old great estates there, have produced eminent men and are still numerous in that Island.

The pronounciation of the name here spelled MacRa, varying with the dialect of the Country where any of the Clan generally reside, has occasioned various ways of spelling this word, as is the case with several others, thus in Ireland they use MacRath and Macgrath, in the north of Scotland, MacRah, MacRae, MacCraw and MacCrow. In England and the south of Scotland the Mac is left out, from an ill-founded prejudice, and the name Rae, Craw, Crow, and such like retained, as being of the same Stock. A more particular account might be had from such as conversed with and have known those historians and genealogists, such as Fergus MacRourie, Mildonich MacLean, etc., who were good scholars and acquainted with the manuscripts and records of Ireland, kept for giving an account of the tribes who came from Ireland to

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<sup>1</sup> MacRath is variously interpreted son of Grace or son of Luck. The name seems to have come into existence quite independently in different places and at different times, and to have been applied to individuals who were not connected by blood or any other tie.

Scotland and became heads of families and Chiefs of Clans, and from them I heard it confidently said and affirmed, that the Mackenzies, MacLeans and MacRas were of the same people in Ireland.<sup>1</sup> Yea, I heard Sir Allan MacLean of Doward, who was curious and taught in these things, being at Dingwall in the year 1663, say no less, and it is as certain as tradition and authorities of the forementioned antiquaries can make it, that a MacRa had his tomb, as well as MacKenzie and MacLean, in Icolmkill, and that close by one another. Doctor George MacKenzie, who has wrote a genealogical and historical account of the MacKenzies, mentions that when Colin Fitzgerald came from Ireland, in the year 1263, a number of the MacRas were of his party, at the battle of Largs in Argyleshire, which it is natural to think, was in consequence of a friendly attachment then known to have been 'twixt their ancestors, as is since continued 'twixt their descendants. But whether there were any MacRas before then in Scotland, I cannot determine, only that tradition says, there were of them on the estate of Lovat when the Bizets<sup>2</sup> were Lords of that place; which titles and estate they forfeited and lost, according to Buchanan, in the following manner, *Anno* 1242. King Alexander the II., with many of the Nobility being at Haddington, Patrick Cuming,<sup>3</sup> Earl of Athol, his lodging was burnt in the night time and he with two of his servants perished in the flames. This fire was judged not to be accidental, and because of an enmity 'twixt him and William Bizet, nephew to King William the Lion, and eldest son of John Bizet the first Lord Lovat of

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<sup>1</sup> The descent of the Mackenzies from the Fitzgeralds, and the acquisition of Kintail by Colinus Hibernus after the battle of Largs, are no longer seriously asserted.

<sup>2</sup> A good deal of miscellaneous information about the Bissets and their descendants will be found in Mr. Chisholm-Batten's *History of Beaulieu Priory*.

<sup>3</sup> The Earl of Atholl was not a Comyn, but Patrick of Galloway—even according to George Buchanan. The story is told at length by Wyntoun, vii. 9, line 2493 *et seq.* Somewhere about 1400 John de Insulis of Dunyveg—the younger brother of Donald, Lord of the Isles, married Marjory, daughter and heiress of Sir Hugh Bisset of the Glens of Antrim, which thus passed to the clan Donald.

that name, the suspicion was fixed upon him. William endeavoured to exculpate himself by offering to prove his being in Forfar, the night of the burning, and also offered to vindicate himself by combat, as the custom then was. But neither would do, so that he was summoned criminally to a certain day, when finding the interest and power of his adversaries too great for him, or being conscious of his own accession to the crime, he did not appear, so was sentenced and forfeited, but by reason of his connection to the Royal Family, the King gave him a reprieve, with liberty to go to Ireland, where he had an Estate in a place called Glenns of Glenmores, the rents of which Estate were on certain occasions before this forfeiture, collected by some of the MacRas sent on purpose from the Estate of Lovat, as they were in like manner sent to raise the rents of Glenelg, when in possession of this family.

The ruin of this William Bizet did not satisfy the Cumings. They level next at his brother John Lord Lovat, who by his own folly, hastened what they desired. For, in the next year 1243, he joined MacDonald in his rebellion against the King, and when MacDonald was forced to return to the Isles,<sup>1</sup> the King commanded the Earl of Ross to apprehend John Bizet, Lord Lovat, which he having heard, went and lurked in Auchterlies. But, a price being set on his head, he was taken by George Dempster of Moorhouse, in the wood of Auchterlies, and sent to the King, by whom he was sentenced and forfeited, but was reprieved as was his brother William, with liberty to go to Ireland.

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<sup>1</sup> It may be reasonably assumed that what is said here about the Bissets and Frasers is largely derived from the minister of Wardlaw. That too much reliance ought not to be placed on his historical knowledge is suggested by his assertion that Donald of the Isles gave a charter of Kynedward in Banffshire to John Bisset in 1243—though the de Insulis family neither had nor pretended any right to lands in that region until the acquisition of the earldom of Ross 150 years later! Both in the Wardlaw MS. and in the Bisset genealogy he actually gives a *précis* of the original charter, which he says he has seen, its date in one case being '19 Id. Junii a Xristo nato mcccxlv anno Pontificat S.D.N. Gregorii ix. P.O.M. 10,' and in the other, 'a partu virgineo mcccxlii v. Idus Julii anno ii. Innocentii iiiii. S.D.N.,' etc. The accuracy both of his observation and of his statements is thus open to some suspicion.



This John Bizet had no children but three daughters,<sup>1</sup> on whom the King bestowed the Estate as heirs portioners because of their relation to the Royal Family, Agnes<sup>2</sup> the daughter of King William, the Lion, being the mother of this John. The eldest daughter, Mary, with the greatest part of the Lordship of Lovat and title of Lord Lovat,<sup>3</sup> was given by the King to Sir Simon Fraser of Kinnell, second son of Alexander Fraser of Tweeddale, *Anno* 1247. Elisabeth the second daughter was married to Andreas Abases of Spitewood. And Cecilia the youngest, to William Lord Fenton, whose portion of the Estate with her, was the Braes of Aird, Erchlis, Strathglass, Buntaite, Guisachan and Glenelg, all which fell in again to the next Lord Fraser of Lovat, with Janet daughter to Lord Fenton, *Anno* 1379.

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<sup>1</sup> The origin of the connection of the Frasers with Lovat is obscure. Among the papers found in Edinburgh Castle, and handed over to Baliol in 1292, was a letter by William de Fentone, Andrew de Bosco, and David de Graham, acknowledging that they had received from William Wishart, archdeacon of St. Andrews and the King's Chancellor, certain charters, 'quas quondam Johannes Biset filius J[ohannis Biset] militis junioris deposuit in abbacia de Geddeworth' (*Acts of Parliament of Scotland*, vol. i. p. 116). This entry, besides suggesting that there had been three John Bissets in succession, shows (1) that the last of them was dead before the receipt in question had been given, *i.e.* before 1270, when Wishart was elected Bishop of Glasgow; and (2) that the persons who received the charters were William de Fentone, Andrew de Bosco, and David de Graham. This entirely supports the statement of the Kilravock historian (*Family of Kilravock*, p. 27), that Sir John Bisset left three daughters, Mary, Cecilia, and Elizabeth, married respectively to Sir David Graham, Sir William Fenton, and Sir Andrew de Bosco. Cecilia is designated Domina de Bewfort, which explains how the Fentons obtained that estate—Elizabeth had Kilravock, which she settled on her daughter Mary, the wife of Hugh Rose. Mary had Lovat, and hence both her husband and their son Patrick appear as Domini de Lovet in the *Registrum Moraviense*. The historian goes on to say that after the death of Sir David Graham she married a Fraser—and that her children by him succeeded to Lovat on the death without issue of Patrick Graham. No writ is cited in proof of this statement. But it is quite possibly correct—or, it may be that Patrick Graham left a daughter who married a Fraser, and brought Lovat to him. The statement in the text, which seems to be taken from Mr. James Fraser's *Genealogy of the Bissets*, p. 88, is plainly wrong. The earliest date at which a Fraser appears as connected with Lovat is 12th September 1367, when 'Hugo Fraser dominus de Loveth et portionarius de le Ard' did homage to the Bishop of Moray (*Reg. Epis. Morav.*, p. 368).

<sup>2</sup> This lady seems to have had no real existence.

<sup>3</sup> Hugh Fraser was created Lord Lovat between 1456 and 1464.

When I lived at Kilmorack <sup>1</sup> in the year 1672, a strong wind having cast down the top stone of the Easter gabel of the Kirk of Beauly, it fell on the altar and broke to pieces, whereof I laid most together, and found the letters M. B. supposed to be the initials of Mary Bizet, raised on it in large letters. She was thought to have caused build or at least finish this gabel and side walls, adjoining the length of Saint Catherine and Saint Cross Chapels.

In the year 1249 King Alexander the II. died, and William and John Bizet having gone to Ireland and settled their families there, their three brothers Walter, Malcolm and Leonard, who lived at Killihuimen and Abertarf, finding the Bizets greatly hated, followed them to Ireland.

All this time the MacRas continued on the Lordship of Lovat, and Mary Bizet having been fostered in the house of MacRa of Cluns, had a kindness for him and a deference to his counsel and advice, which was a means of bringing him to the favor of her husband Simon, the first Lord Fraser of Lovat, and from him continued 'twixt their successors, till the MacRas removed, nor was it afterwards forgott as will appear in the sequel.

The MacRas were faithful and serviceable adherents of the family, an instance of which was thus: There was in Ardmeanoch about this time, a man of numerous kindred and followers, called Loban <sup>2</sup> agnamed Gilligorm, who had a claim or quarrel against the family of Lovat, and in their repeated attacks, and while Lovat was frequently from home and at Court, the MacRas opposed them valliantly and with open hostility. But, the second or third Lord Fraser of Lovat, judging it for his interest to put an end to so troublesome a quarrel, brought from the south country, twenty-four gentlemen of his name, some of whose posterity, as I'm informed, live yet in the Aird. With these and the MacRas and such others as he could get and thought necessary, he marches directly against Gilligorm, who with all the forces he could make ready, was prepared

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<sup>1</sup> The Rev. John MacRa was minister of Kilmorack from 1667-1674.

<sup>2</sup> Or Logan.

to receive him, and after some proposals of peace made and rejected, did in end engage in sett fight, upon the moor of Drimderfit, above Kessock, called since, from the dismal effects of that fight Drimdeair, *i.e.* the ridge of tears.

Both parties fought resolutely, and Gilligorm being killed, his kindred and followers were almost totally cutt off. Lovat carryed away the spoil, and Gilligorm's relict, who was with child, and it is thought, was related to the family of Lovat, when it was resolved if she should bring forth a male child he should be destroyed, lest he might remember and revenge his father's death. But, by the time she was delivered, and that of a son, humanity prevailed over their first intended cruelty, so farr as that they were satisfied with having his back broken, that he might not be a man of arms. He was given to the Monks of Beaul, to be taught and learned there. He made a good progress, and coming to perfect age, entered into orders and became a Priest, and was called Croter or Crotach MacGilligorm.<sup>1</sup> He travelled to the west coast and the Isle of Skye. He laid the foundation of, and built the Church of Kilmore, in Sleat, and of Kilichuimen,<sup>2</sup> in Glenelg, and though he lived about the time of Pope Innocent the III., who possessed the Chair in the beginning of the thirteenth century, he did not observe his decree against the marriage of the Clergy, for this Pope was the first who made that law.<sup>3</sup> And although, before his time many Churchmen did abstain from marriage, and led a single life, yet it was free for any Churchman

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<sup>1</sup> The following note is in the handwriting of Farquhar MacRa of Inverinate—the transcriber. 'Of this Gilligorm there was a wooden Statue, preserved for generations, in the house of the Lobans in Drimderft until the year 1715, when after the battle of Sheriffmuir, a party of the Munros and Sutherlands coming to the house, saw it, and being fond of a pretence to plunder, alledged the family were papists and worshiped that image; so after plundering the house, they burnt it and the Statue.'—F. MacRa. Where the battle was fought there are many heaps of cairns of stones, the largest of which is said to be over Gilligorm. Still to be seen, Anno 1785.

<sup>2</sup> Kilchuimein, dedicated to St. Cumine the Fair, Abbot of Iona.

<sup>3</sup> As to married priests, *vide ante*, p. 85. The whole matter is discussed by Bishop Dowden in *The Medieval Church in Scotland*, pp. 308 *et seq.*

of the superior or inferior order to marry, as appears by the story of Saint Hylarie. He was Bishop of Poitiers in France, and having gone to the East, to reprove the Arian Heresy, heard that a young Nobleman treated with his daughter Abra, for marriage. He wrote to his daughter, not to accept of the offer, since he had provided for her a far better husband. The daughter obeyed, and before he returned, the father prayed that his daughter might die quickly ; wherein God heard his prayer, which, when his wife her mother understood, she never ceased to importune him till she obtained the like favour, as Baptista Mantuanus writes of him.

But, to return to Croter MacGilligorm ; he did not, I say observe the Pope's said decree, but married and had children, and in memory of Finnanus, then a renowned Saint, called one of his sons Gillifinnan, usually pronounced Gillinan, the letters *fi* turning quiescent in the compound, and the son of that man again was patronimically called MacGillinan, whose successors are now in the north of Scotland commonly called MacLinnans.<sup>1</sup>

Now to compensate for this long, and perhaps you may think, needless digression, there are two vulgar errors discovered. The first is, that the battle of Drimderfit was fought, 'twixt the MacRas and MacLinnans, and that Lovat had sent his men only to assist the MacRas ; whereas there were not such a race of men then in being as MacLinnans, and what the MacRas did, was only as followers of Lord Lovat. The other error is, that the MacRas came to Kintail, as soon as Colin Fitzgerald, of whom the Mackenzies are descended, which cannot hold, as Simon the first Fraser Lord Lovat, married Mary Bizet, *Anno* 1247, which was but nineteen years before Colin Fitzgerald got his Charter of Kintail from the king, *Anno* 1266, and the MacRas living on the Lordship of Lovat, during the time at least of three Lords of that name, cannot be supposed to have come to Kintail, till a considerable time thereafter. But why or how the

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<sup>1</sup> Another derivation for MacLennan is Mac Gille Adamnan.



MacRas removed, so totally from the Lordship of Lovat, and from Urquhart, where being in alliance with the MacLeans,<sup>1</sup> they likewise possessed several lands, is not at this distance of time easily accounted for, especially as it was never known, that there was any misunderstanding, betwixt Lovat or his friends and them. On the contrary, such of the MacRas as lived in the neighbourhood of the Frasers, still kept up a good and friendly correspondence, and Lovat alwise had a grateful remembrance of their good services and fidelity to him and his family. So that we may conclude, they did not remove at once, but, at different times, as circumstances favoured them. The vulgar tradition that it was for man-slaughter could not be the case, because the man-slaughter was not on account of a Clan quarrel, or the effect of design, but happened accidentally, so could not militate against any but the actor; and the man killed being but a bastard the Frasers never resented it. The story alluded to is thus. Upon a solemn hunting day appointed by Lord Lovat, MacRa of Cluns, as being a man of experience in these matters, and well known in the forrest, was desired to direct such as had hounds to their several stations, which he accordingly did. A bastard son of Lovat's being one of them, happened not to gett a fair loose for his dogs, upon which he went to MacRa in a rage, threatening him for giving him such a bad seat. MacRa said, he had done nothing designedly to spoil his sport, and that he had often seen that seat as fortunate as any in the fforrest. But this would not satisfy the bastard, who would be at laying hands upon MacRa. Whereupon one of his sons interposes and after mutual bad words and blows, Lovat's son was killed by MacRa's son, who immediately ran off, and calling himself John Carach, that he might be the less known, settled on the west coast, and of him are descended the branch of the MacRas, Clann Ean Carich. It was some time after this,

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<sup>1</sup> The Macleans first appeared in Glen Urquhart about 1394, when Charles Maclean, said to be a son of Lochbuy, was appointed Constable of Urquhart Castle by Alasdair Carrach.



that his brethren and other relations began seriously to consider that Lovat's own kindred and friends were become numerous, and that the country could not accomodate them all, which was a motive for their removing to other places, according as they had encouragement. One of the brothers went to Braeross and lived at Brahan, where there is a piece of land to this day called Knock vic Ra, and the spring well which affords water to the castle, is called Tober vic Ra. His succession spread westward to Strathgarve, Strathbren and Strathconan, where severals of them live at this time. John MacRa who was a merchant at Inverness, and his brethren, was of them, and some others in Ardmeanoch. Other two of MacRa's sons, elder than the above went off from Cluns several ways. One is said to have gone to Argyleshire, and another to Kintail. In the mean time their father remained at Cluns all his days and had four Lord Frasers of Lovat fostered in his house. He that went to Argyle, according to our tradition, married the heiress of Craignish, and his successors on that accompt, took the sirname of Campbell.<sup>1</sup> But, tho' they thus changed their name, they or he could not change his blood or relation, nor did he or his, their affection for the rest of the MacRas. So that an inviolable friendship and kindness alwise subsisted betwixt the family of Craignish and the MacRas, especially those of Kintail. So that whatever notions others may have of it, there appears very good grounds for cultivating the friendship mutually. And that nothing else was done or intended, betwixt the family of Craignish and the MacRas, is evident by the contract of friendship passed betwixt them, at the time reports of a different nature were propagate. *Which contract the transcriber hereof thinks proper herein to insert verbatim and is as follows : vizt.,*

'Att Balliechiliesh in Lochaber, upon the eight day of October one thousand seven hundred and two years, it is

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<sup>1</sup> The Campbell story, on the other hand, is that the original MacRa was a Craignish man, who had to fly the country ! (See copy MS. *History of Craignish Family* in Lyon Office.)

condescended upon and agreed to betwixt the parties following, vizt., George Campbell of Craignish, on the one part, and Farquhar MacRa of Inverinate, Master Donald MacRa, Minister of the Gospel in Kintail, Donald MacRa of Camusluing, John MacRa in Achyark, Duncan MacRa, son to Christopher MacRa in Arigugan, and Kenneth MacRa, brother german to the said Farquhar MacRa of Inverinate, all in Kintail, in name and behalf of the hail remnant, gentlemen and others of the said name of Ra, in Kintail and elsewhere, lineally descended of their forebearers and predecessors on the other part, That is to say—For as much as the said George Campbell of Craignish and the saids Farquhar, Mr. Donald, Donald, John, Duncan and Kenneth MacRas, have at date hereof, seriously considered, what relation, firm friendship and correspondence have been of old, and hitherto continued betwixt the Campbells of Craignish, the said George Campbell, now of Craignish, his predecessors, and the forebearers and predecessors of the said Farquhar MacRa of Inverinate and others above written, and all others of the said name of Ra, and the great love and favour each of them did bear to other both by the said George Campbell of Craignish and his predecessors taking the part of any of the said name of MacRa, in all lawful causes, defending the samen against others, when occasion required, and the firm, stable and sure love and favor the said Farquhar MacRa and others foresaid, of the said name of MacRa, and their predecessors did and doth bear to the said George Campbell of Craignish and his predecessors, and the acts of kindness and friendship done by the said name of MacRa to the said family of Craignish, when occasion offered, in all time bygone. And now for the more firm and sure upholding and maintaining of the said relationship, friendship and correspondence, and for the better keeping and preserving the samen on record, in all time coming, the said George Campbell of Craignish, by thir presents, binds and obliges him, his heirs and successors, to maintain and in hand take the part of any of the said name of MacRa, in all lawful causes, and

defend the samen to the utmost of their power, against any other person, their duty to Her Majesty and her Highness' successors and Council, and their immediate lawful superiors always excepted. And sick like the saids Farquhar MacRa, Mr. Donald, Donald, John, Duncan and Kenneth MacRa, in name and behalf forsaids, for them their heirs, and all others lineally descending of their bodies, by thir presents, binds and oblidges them and their foresaids, so farr as they may do by law, to own, maintain, and in hand take the part of the said George Campbell of Craignish or his foresaids, or any others lineally descending of his Family, in all lawful causes, and defend any of the said Family, to the utmost of their power, against all other person or persons, their duty to Her Majesty and Her Highness' successors and counsell and their immediate lawful superiors, all is excepted. And both the said parties oblidges them, and their foresaids, to renew and reiterate thir presents, as oft as they will be required thereto, that the samen may be kept in record and memory, *ad futuram rei memoriam*.

'In testimony thereof (written be John Campbell younger of Balmillin) both parties have subscribed thir presents, place, day, month and year, foresaid, before these witnesses, Ronald Campbell of Lagganlochta, Ronald Campbell, brother german to the said George Campbell of Craignish, Archibald Campbell, merchant in Kilmoran in Islay, and the said John Campbell, writer hereof. Signed,

GEORGE CAMPBELL, FARQUAR M<sup>r</sup>RA, MR. DONALD  
M<sup>r</sup>RAH,  
D. M<sup>r</sup>KRA, JOHN MACRAH, DUN. M<sup>r</sup>RA,  
KEN. M<sup>r</sup>RA.

'RON. CAMPBELL. Witness. RON. CAMPBELL. Witness.  
ARCHD. CAMPBELL. Witness. J. CAMPBELL. Witness.'

*Contracts of this kind being usual in ancient times, as the contents became known, the first reports dyed away.*

The other brother who went to Kintail was earnestly invited and encouraged by MacKenzie, who then had no kindred of his own blood, the first six Barons or Lairds of Kintail having but one lawful son to succeed the father,

hoping the MacRas, by reason of their relation, as being originally descended of the same race of people in Ireland, would prove more faithful than others, wherein he was not disappointed, for the MacRas of Kintail served him and his successors very faithfully in every quarrel they had with the neighbouring Clans, and by their industry, blood and courage, have been very instrumental in raising that family. What this MacRa's name was, I know not; but he married MacBeolan, daughter or grandchild of

MacBeolan,<sup>1</sup> who possessed a large part of Kintail, before MacKenzie's predecessor got a right from Alexander the III. Nor can I declare his successors, for two or three generations after he came to Kintail; tradition carrying us no further in this particular, than one Finlay du MacGilchrist, who was cotemporary with Murdoch Mackenzie the sixth Laird of Kintail, and after this Laird's death, when his three bastard uncles, Alexander, Hector birrach and Finlay suildergach, insulted and troubled MacKenzie's tenants in Kinlochew and Kintail, MacAulay, who was then Constable of Islandonan, not thinking it proper to leave his post, proposed Finlay as the fittest person to be sent to Saint Johnstown, *now called Perth*, and by general consent, he accordingly went to inform his young master, who was then there, with the rest of the King's ward children at school, of the hardships imposed on his tenants as above; which with Finlay's remonstrance on the subject, prevailed on Alexander his young master, to come home, and being back'd with all the power and assistance Finlay could command, soon brought his three bastard uncles to condign punishment.

This Finlay had two sons Gilchrist, the same as Christopher, and John, which John was learned with the Monks of Beaulieu, entered into orders and became Vicar of Kintail in Sutherland, ordinarily there called Vicar MacRa. He married and had children, of whom none

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<sup>1</sup> O'Beolan was the family name of the earls of Ross. There is no evidence that the Mackenzies were ever proprietors of any part of Kintail until after the forfeiture of John, Earl of Ross and Lord of the Isles (vide, e.g., *The Scots Peerage*, vol. vii., article *Seaforth*).



survived him but one daughter, called Margaret MacRa who married Adam Gordon,<sup>1</sup> a son of Huntly a Churchman. He was Dean of Caithness, Chancellor of Murray and Commendator of Petty. From them are descended the family of Embo, and most of the Gordons of Sutherland, for which cause there was of old, great friendship and correspondence betwixt the Gordons of Sutherland, come of this family and the MacRas of Kintail, and is not yet forgott 'twixt many of them. This Vicar MacRa had sent to Kintail for Farquhar MacGilchrist his nephew, then a child, thinking to enrich him by his great substance; but the old man dying a short time after, the child returned to his father in Kintail, with a small legacy.

Christopher MacRa, the said John's elder brother, had four sons, Finlay, Donald, Duncan and Murrich, *i.e.* Maurice. And here I am to begin the method I mean to follow, in the rest of this Genealogy, which is to treat of all the younger branches of the family first, and then of the eldest, as the root of another generation.

Donald, second son of Christopher, had several sons, of whom are descended John MacUlay voir, who lived in Assint, and John MacRa, who lived and died in Chanery of Ross, father to Alexander MacRa, writer there, who left several sons and daughters.

Duncan, commonly called Dunachie moir na tuagh, third son of Christopher, his male succession failed in the person of Duncan Roy, who died at Conchraig of Tollie, in the year 1679. This Duncan moir was a strong and valiant man, and the only Kintail man at the battle of Park in the year 1464,<sup>2</sup> and that accidentally, where he signalized himself; but more particularly in his encountering Lachlane MacEarlich, the ablest and strongest man, and one of the principal officers on MacDonald's side, and who in his fury wounded and killed many of MacKenzie's men, till Duncan putt himself designedly in his

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<sup>1</sup> A son of the first Earl of Huntly.

<sup>2</sup> Gregory (*History*, p. 83) gives 1491 as the date of this battle. Lachlan MacThearlaich was a Maclean, descended from Charles (Tearlach) Maclean, the Constable of Urquhart.



way, and after a very warm engagement for some time, in which great strength and courage was shown on both sides, he at last killed MacEarlich, which contributed much to the victory, as it disheartened the enemy. Duncan, in his old days was very assisting to Hector Garloch's predecessor, against the MacLeods of Garloch, for he with his son Dugal, who was a strong, prudent and courageous man, with ten or twelve other Kintail men were alwise, upon the least advertisement, ready to go and assist Hector, whenever, wherever and in whatever he had to do, for which cause there has been a friendly correspondence betwixt the family of Garloch and the MacRas of Kintail, which still continues, tho' not perhaps altogether on that account, as more peaceable times soon wear out the remembrance of such obligations not on record. It is said of this Duncan, that he was in many conflicts and combats, and alwise came off victorious, but never without a wound. He was a facetious, and yet a bloody man.

Maurice, the youngest and fourth son of Gilichrist, had a son called John, who had a son called Finlay, who had a son called John, who had a son called Farquhar, who had a son called Donald, who died *Anno* 1675.

But, to return to Finlay, the eldest son of Gilichrist, John MacKenzie, the ninth Laird of Kintail, who lived in the beginning of the sixteenth Century, was counselled and advised by him, when Malcom MacEan Charich was made Constable of Islandonan by Hector predecessor to Garloch and uncle to the said John MacKenzie; he would not willingly resign his place at the desire of John, till by the advice and assistance of Finlay and his friends, Malcom was compelled to leave the fort. For which service, John MacKenzie placed Christopher, Finlay's eldest son, in Islandonan as Constable thereof, which office he managed with prudence, all his days. This Finlay had four sons, Christopher, John moir-na-eas, Gilipatrick, and Milmoir, that is Myles. John Moir-na-eas, so called since the s<sup>d</sup> John MacKenzie ordered him and others of the Kintail men, to bring to him to Islandonan, his brother Rory moir of Achaglunachan, of whom the family of Achilty

and Fairburn are come. Rory moir being a stout, strong man and unwilling to be brought as a prisoner, while the party were struggling to bring him and could not, this John took him by the feet, and so got him down, when each man, having a leg, an arm, or some other hold of him, they carried him along, till he consented to walk on his feet with them, to the presence of his injured brother. The successors of this John are Finlay MacEan Roy of Letterinymer and Duncan MacUlay, and his sons in Lochcarron. (*In this year 1786 severals of them are still in Lochcarron and some in Kishorn.*) Gilipatrick, his male succession, are Donald Roy, and John Moir MacCoil dui with their sons.

Myles or Milmoire, the fourth son of Finlay, was a very pretty man, and was killed by some of the MacDonalds in Kinlochewe, where the remains of a monument erected for him, in the place where he was killed, is still to be seen. This Myles had a numerous offspring, of whom were Finlay du, who lived in Melvary, and Milmoire MacFinlay there, and Rory MacRa, who lived in Tain, is also of him.

Christopher, eldest son of Finlay, and Constable of Islandonan, had many sons, Christopher beg, Duncan, Farquhar, Finlay du, John Ryach and Donald. Of the successors of the two last, I can give no account. And those of Christopher beg terminated in the person of Donald MacGilichrist vic Coil dui, and Farquhar MacGilichrist Roy, who both lived till the year 1685.

Farquhar, son of Christopher, had three sons, Donald, Maurice and Christopher. Of Maurice are come John and Donald MacEan vayns. Of Christopher's posterity others in Kintail can give a more satisfactory account. Donald, Farquhar's eldest son, married Alexander Bain of Inchveanies' daughter, and by her had five sons, all bold, pretty, forward men, viz. Alexander, John Oig, Donald Oig, Duncan Oig and Finlay. Alexander was an understanding, active man, and was principal Officer of Kintail, which was then a desirable, lucrative trust. In his house Kenneth MacKenzie of Coul, when a child, was fostered, which occasioned a friendship 'twixt the family of Coul and the MacRas. But this Alexander had no lawful son. He had two bastards, John

MacAlister, who lived and died in Leault and had many children, and Murdoch MacRa, who lived and died with the s<sup>d</sup> Kenneth MacKenzie of Coul. John Oig the son of Donald, had three sons, Alexander, Duncan and Farquhar. Alexander had four sons who outlived their father, viz. John du, Duncan, Alexander Roy, and Donald. The sons of John du were John who lived on the estate of Coul and Alexander his brother. Duncan, brother to John du had many sons, of whom are John, who was a gunsmith in Kintail, and Farquhar Moir, who lived under Coul. Alexander Roy's eldest son was Duncan, who lived in Lochalsh, and his younger son was Donald Roy, who had sons and daughters, *Anno* 1690.

Duncan, the second son of John Oig, was killed in the battle of Aulderm, *Anno* 16<sup>1</sup>, and left one son named Christopher, who was principal Officer of Kintail, and left two sons.

Farquhar, third son of John Oig, had three sons, Mr. Donald, Duncan du, and a bastard Malcom Roy. Mr. Donald was Minister of Lochalsh, and married Anable MacKenzie daughter to William MacKenzie of Shildaig, by whom he had six sons, viz. Mr. John, Donald, Duncan, Farquhar, Maurice and Christopher.

Donald Oig, third son of Donald, who was the son of Farquhar, had five sons, all pretty men, who outlived their father, viz. John, Christopher, Duncan Moir, Donald Dahiter and Donald Oig.

This last John was bred a scholar, and was one of Earl Colin of Seaforth's menial servants. He had a son called John, who had sons, that became not regarded. Christopher, second son of Donald Oig, was a prudent and facetious man, left one son named Alexander, who lived about the time of the Revolution, and had six sons, all pretty men, viz. Donald, Duncan, John, Maurice, Christopher and Farquhar.

Duncan Oig, fourth son of Donald Oig, had three sons, viz. John, who was accidentally killed in Strathconan, *Anno*

<sup>1</sup> Auldearn in 1645.

1698, and his brothers Ranauld and Farquhar. This John was a great natural orator and left sons and daughters. Donald Dahiter, so called, from his being bred a dyester, tho' he followed not the trade, left sons and daughters.

Donald Oig, fifth son of Donald Oig first named, his eldest son was famous for his manner of killing a John Campbell of the garrison of Islandonan, *Anno* 1650. The garrison insisted that the people of Kintail should furnish them with faggot or other fewel, for the winter. A party of them came to the Factor at Inverinate in order to enforce their commands. A number of the people convened to argue against such a new imposition, till heated with arguing, they came to bad words, when the officer being irritated, ordered his party to fire, which they instantly did, without doing any hurt. But the country people supposing this owing to their own good fortune, more than to the disposition of the party, drew their swords, and fell on immediately to kill them. This Donald Oig attacked a John Campbell, whom he cutt in two, having struck him with his sword in the left shoulder, he with that one stroke cut off his head, neck, right arm and shoulder from the rest of his body, in a place there known to this day, by the name of Campbell's Croft; and a ford, on the march burn 'twixt little and mickle Inverinates, in like manner is called Blythman's ford, the Serjent of the party being of that name and killed there, in attempting to escape to the garrison, from whence was no after demand for fewel, nor was there any notice taken of what happened. This Donald had a son called Duncan, who had children. Duncan Oig his uncle left no male issue. He had daughters, was a pretty man and lived to a great age. Finlay his brother, fifth son of Donald who was the son of Farquhar, had two sons, whose children are numerous in Kintail and Lochalsh. These are the text of that tribe of the MacRas in Kintail, commonly called black MacRas, or Clann doil vic Farquhar.

But to return to Duncan, the son of Christopher, who was the son of Finlay, and who succeeded Malcom MacEan Carrich, as Constable of Islandonan, in the manner above



narrated, of whom the tribe, commonly called the white MacRas are come. In John Mackenzie of Kintail's time, Donald Gorm, fifth Baron of Sleat, and thirteenth of the family, came with a strong party, to the south side of Kintail, carried away a great many cattle, and killed several of the inhabitants, among whom was Sir Dugal MacKenzie, Priest of Kintail, who lived in Achyuran of Glensheal, leaving a widow, two sons and a daughter. John Du Matheson married the widow, and upon the decease of Christopher was made Constable of Islandonan. Donald Gorm, afterwards hearing that the castle was but slightly guarded, thought to have taken it by surprise. So, coming with seven or eight large boats or birlins full of men, towards Islandonan, was observed by the centinel, who suspecting their design, by their number and hurry, gave the signal and cry, for the country people to come and defend the castle, but, by reason of their distances, could not prevent MacDonald's landing. Only this Duncan MacGilchrist, hearing the cry and being very ready to do his master's service, in time of the greatest danger, came directly, and standing at the gate of the old tower, continued shooting his arrows at MacDonald's men, until those of the first boat of them landed, by which time he had killed and wounded several of them. Upon his entering the tower he found none there but Matheson the Constable and the Cryer. MacDonald and his men, by this time had landed and were attempting to break the castle gate, which being strongly secured by a back door of iron, and the within throwing stones upon the assailants, they were obliged to give up the attempt, and began to shoot their arrows in at the windows, by which John Du Matheson the Constable was killed; so that Duncan had now but the Cryer and one arrow to defend the fort. MacDonald having taken down the masts of some of his birlins, was looking where he might easiest make a breach, and mount the wall, when Duncan took the opportunity of shooting the only arrow he had, which happened to be a barbed one, and wounding MacDonald in the master vein of the foot, he became im-



patient of the pain, and pulled out the arrow, not advert-  
ing it was barbed, by which means he cut the artery  
called in Galic *strurossach*, and finding the bleeding could  
not be stopped, desisted from the attack and took to their  
boats. MacDonald being carried to one of them by his  
men, few of whom escaped being killed or wounded, and  
before they were out of sight of the garrison he died, *Anno*  
1537.

This Donald Gorm was son to Donald Growmach, the  
son <sup>1</sup> of Hugh, who was the son of Alexander Earl of Ross,  
for which in the elegy made on his death, he is called the  
grandchild and great grandchild of Righ Fionghaul, and  
is as follows :—

‘Dhonichie vic Gillichrist vic Unlay  
‘Smore t’anteigh huit le tine lamh  
O’s Jero vic Righ Fionghaul  
Huttim le Bramaig a niunbhligh.’ <sup>2</sup>

After this, Duncan married Sir Dugal’s relict, the  
widow of the Constable John Du Matheson, whom he now  
expected to succeed in that office. But, being informed  
that MacKenzie thought him too rash and passionate,  
for that trust, he dropped that notion and pleaded for  
his brother Farquhar’s being preferred. MacKenzie con-  
sidered the emulation ’twixt the MacRas and MacLennans  
for that office, and that he could not give it to either,  
without disobliging the other, and therefore determined  
to serve both alike, so he preferred one of Sir Dugal’s  
sons. Upon which Duncan, thinking his services not  
sufficiently rewarded, removed from Kintail to Lord  
Lovat, who made him most welcome, and entertained  
him most kindly, giving him the lands of Cuilgerran to  
possess, until it was said and believed of him, that he killed  
too many of the deer of Benbhachart, which was then a  
forrest of Lord Lovat’s. He was removed to Crochel,

<sup>1</sup> It was not Donald Gorm but his father, Donald Gruamach, who was killed.  
Further, Donald Gruamach was the son of Donald Gallach, and grandson of  
Hugh of Sleat (*vide ante*, pp. 72 *et* 102).

<sup>2</sup> *Vide post*, p. 239.

where he lived for several years, during which time he had many invitations from Mackenzie to return to Kintail which he liking better than Strathglass, where there were none of his relations, he went to give notice of his intention to remove to Lord Lovat who was not at all for parting with him, and to induce him to stay, offered him the lands of Cluns, which his predecessors once had, as before mentioned, for a small fee duty, to him and his successors, telling Duncan at the same time that he was then immediately to go south, where he would cause draw up the writes, to which Duncan agreed. So when Lovat went south, Duncan went to inform his friends in Kintail of the terms he had got, and his resolution to accept of them. But, being credibly informed before his return, of Lovat's having died at Braemore,<sup>1</sup> and despairing of getting the same terms from his successor, he accepted of MacKenzie's invitation, and so got the quarter land of Inverinate and Dorisdun, where he lived all his days, (*and where his lineal successors lived till the year 1786*).

While Duncan lived in Crochel, his brother Finlay, who was married to Sir Dugal's daughter, came with her to visit his brother Duncan, and his wife her mother. Isabell, Sir Dugal's daughter, was a very beautiful woman, but probably verified the saying, '*Rara concordia formae atque prudentiae*.' For, Alexander Du Chisholm, son of Chisholm of Comer, falling in love with her, could not conceal his passion, but gave cause to people to think that he designed to decoy her from her husband, in so much that Finlay was advised to return with her home, which he did sooner than he otherwise intended. But, the foresaid Alexander Du Chisholm, with some confidants, going privately to Kintail, went the length of Arigugan, where Finlay then lived, and waiting the opportunity of his being from home, carried away his wife, and a young boy his son named Christopher, who followed his mother to Strathglass, where he became an able and rich man, and lived all his days. Of him are descended all the MacRas of

<sup>1</sup> Hugh, third Lord Lovat, was defeated and killed at the battle of Kinloch Lochy, otherwise Blar-na-leine, on 15th July 1544.

Strathglass, and severals in Kintail. Finlay, thinking his wife had been privy to the plot, disdained to call her back, and so repudiated her.

When Duncan lived in Strathglass, one John MacIntaggart courted a daughter of his, but could not get her, by reason of her being too young. But, after Duncan's return to Kintail, the said John MacIntaggart carried her away by force, out of her father's shealing in Affrick, and married her, by whom he had several sons and daughters. Duncan lived to a good old age, leaving two sons, Christopher and John. This John was a resolute and bloody man, and was very active in the war 'twixt MacKenzie and Glengarry, about Lochcarron, etc. He might be called an Hasael for speed of foot. Few parties were sent out on desperate attempts or to infest or annoy the enemy, but John was commander, and he seldom or never returned without bloodshed, for which his brother Christopher usually told him that his cruelty and bloodshed would be seen in his posterity. And so it happened, for altho' he had three sons who lived long, namely, Christopher, Duncan and Finlay, their progeny made no great figure. Duncan, the second son of this John, being an old man in the year 1654, when General Monk, afterwards Duke of Albemarle, came to Kintail, retired from his house in Glensheal, to the hills, where being found by some of the soldiers, who had stragled from the body of the army, in hopes of plunder, and who speaking to him roughly, in a language he did not understand, he like old Priamus drew his sword etc., and was immediately killed by them. This was all the blood that General Monk or his soldiers, amounting to 1500 men, had drawn, and all the opposition he met with although the Earl of Middleton and Sir George Munro were within a few miles of them and advertised of their coming, Seaforth having been sent by Middleton to the Isle of Sky and parts adjacent, to treat with MacDonald and MacLeod etc.

The male succession of this old Duncan lived, most of them, in Lochbroom and some elsewhere. Finlay his brother lived till near a hundred years of age, was a

facetious man, full of sentences of his own making, very hospitable and a great satirist withall.

Christopher, the eldest son of the Duncan who returned from Strathglass to Inverinate, was of a temper different from his brother John, for he was prudent and solid in counsel and advice, bold, forward and daring, when need required, yet remarkably merciful during the bloody wars 'twixt MacKenzie and Glengarry. Kenneth, Lord Kintail, who was the first of his family gott a charter of the lands of Lochcarron and Strom castle, *Anno* 1607, did alwise ask his advice, in any matter of consequence, he had to do in the highlands. So that he might say to his brother John, as Uliesses said to Ajax, '*Tu pugnare potes, pugnandi tempora mecum elegit Atridis.*' The greatest fault his friends found to Christopher was his being too great a comrade and companion; for when he went to Chanery or Inverness, the first thing he did, was to call his landlord the vintner, and with him, pitched upon and agreed for the hogshead of wine that pleased him best, resolving to drink it all, with his acquaintances, before he left the town. It was said of him, if he was as frugal in keeping, as he was industrious in aequiring, he had proven a very rich man, in his own country, for he was the first man there who drove cows to the south country mereates, and to that end bought cows yearly, from Maekenzie's, MacDonald's and MacLeod's estates. He was a great favorite of MacDonald's and did him a piece of service he could not forget, which was thus. Donald Gorm Moir, who was married to MacKenzie's daughter, having with his lady gone south, and staying longer than he had expected, was necessitate to borrow money, which he promised to pay on a certain day, and being obliged to go home in order to get the money, left his lady at Perth till his return. Meantime, Christopher, having sold his drove, and hearing that his master's daughter, Lady MacDonald, was at Saint Johnstown, *i.e.* Perth, he went to visit her, and being informed of the cause of her stay, and that of MacDonald's going home, told her he had money to answer all her demands, and men



sufficient to convey her home, advised her to clear all and set out immediately, not doubting, but she might overtake MacDonald at home and prevent his having the trouble and risque of going south. And so it happened, for, she gladly accepting the compliment, they, early next day, went homeward, and having arrived the second day after MacDonald, he was greatly surprised till his lady informed him of what Christopher had done. MacDonald and his lady insisted for his staying some days, and entertained him very kindly; and on the day they were to part, Christopher, being still warm with drink, called for a large cup-full of strong waters, proposing as a compliment, to drink it all, to S<sup>r</sup> Donald's good health. MacDonald, supposing himself bound to return the compliment, by drinking as much as Christopher, said, I hope you don't mean to kill me by taking such a quantity of this liquor; to which Christopher answered, Sir, and is not that natural, since it was my father killed your father?<sup>1</sup> And while MacDonald only smiled and said it was true, some of the by-standers, his attendants, drew their durks, threatening to be at Christopher, and would have undoubtedly have killed him, had not Sir Donald interposed, and conveyed him safe to his boat. Christopher was afterwards ashamed of what he had said, but MacDonald and he continued very fast friends.

Christopher married the daughter of Murchison, who was the Constable of Islandonan and Priest of Kintail, and by her had a number of good children, of whom seven sons came to perfect age, and were settled in their father's time, all of them pretty, able men, viz., Duncan, Mr. Farquhar, Mr. John, Finlay, Murroch, Christopher Oig and Donald. I shall mention them all severally, referring Mr. Farquhar to the last.

Duncan, the eldest son of Christopher, was one of the largest and strongest men, in North Britain. He was equal in height and bulk of body with the then Laird of Glen-

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<sup>1</sup> *Vide ante*, p. 215.



morrison,<sup>1</sup> who competed for biggness and hight of body with the Earl of Moreton. Duncan could not enter in at the kirk door of Kintail, till he turned one side foremost. He was a stout, forward and bloody man, and delighted much in arms, an instance of which I shall mention, and is as follows. On a certain day, he and John Oig MacUnlay Dhui, another Kintail man, having gone to the Isle of Sky, to bring horses, in their return home, observed, at some distance, the MacDonalds and MacLeods, who had abruptly declared war against each other, ready to engage in battle, at a place called Culinn. Duncan and John would not, as they easily might have done, pass bye the armies but were both desirous of seeing the event of the engagement, and Duncan having enticed John to go, they drew, and resolved one of them should join either party. John Oig made choice of joining the MacLeods, being his mother's kindred, and Duncan, who joined the MacDonalds, had a sturdy, able fellow for a servant, who acted a notable piece of service thus,—There was a pass, over a rough burn or water, that was interjected between the parties, who were both striving who should be first there. This fellow outruns them all, and stood defending the pass against the MacLeods, until the MacDonalds came up, and by having thus obtained the advantage of the ground, and making a great slaughter, carried the victory. The MacLeods being routed, and Duncan having received thanks from the MacDonalds, waited no longer, but went in search of his comrade John Oig whom having found, they both went home with their two servants and horses without scar or wound.

This Duncan was very zealous for his master, in these bloody times, and particularly against Glengarry, who with the best part, and most warlike of his followers, was killed at Callich Stone,<sup>2</sup> upon the following occasion. Kenneth MacKenzie, Lord Kintail, having gone to Mull and Inverara, to assist and to witness a reconciliation

<sup>1</sup> Also known as 'Meikle John Grant of Culcabock' (*Chiefs of Grant*, 1. lxxxi).

<sup>2</sup> *I.e.* the Cailleach Rock.

'twixt Argyle and MacLean, Angus<sup>1</sup> of Glengarry, hearing of it, went with a party to Lochcarron, and took with him in the boats, a number of cattle from there in lieu of the rents, which he still thought he should get from the tenants of that country, and which MacKenzie had taken up, for some time before, as his own, his first Charter of these lands being in the year 1607. Notice of this attack being brought to Kintail, this Duncan went with a party, in a boat to intercept them on their return, and having attacked the boat in which Glengarry was, and broken the oars on the side nearest the land, the boat came to a rock at Callich, near the north end of Kylereah, where all on board were killed; the rest making their escape, with what booty they had got, in the boats. They went into Knoydart, where having spread the alarm, it was resolved to intercept MacKenzie, on his return from Mull. But his lady, having as soon as was possible, informed him of what had happened, he told his friend MacLean of it, who provided him with a choice boat and crew, and notwithstanding Glengarry's people were convened and in readiness on the shore of Morar, he outsailed them and arrived safe at Islandonan in Kintail, to the no small joy of his lady, family and people, who were in great pain for him. Duncan died without male children, but left several daughters.

Mr. John, third son of Christopher MacConnachie, was a man of an able and strong body, a sharp and sagacious mind, and somewhat more curious in his learning than his elder brother Mr. Farquhar. Mr. John was pitched upon to be governor to Colin Lord Kintail, at the college of Edinburgh, wherein he acquitted himself to satisfaction, in so much that his pupil proved so liberal and kind to him, that he took not those methods he should and might have taken, for his own settlement, and Earl Colin's too early and unexpected death did so dispirit him, that he afterwards lived in the highlands, more obscurely than was expected of him.

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<sup>1</sup> The eldest son and heir apparent of Donald of Glengarry. He received letters of legitimation under the Privy Seal, 15th April 1584. According to Gregory (*History*, p. 302) he was killed in 1602.

Amongst other qualifications, he was very skilful in physick, and practised it with great success, wherever he was called. He married a daughter of Dugal Matheson in Balma-carra, lived to a great age, leaving three sons, vizt. Christopher, Donald and Duncan, whose posterity are living in Kintail. I remember, that after Mr. John's death, when his friends were examining his papers, there was among them a letter directed to him at Edinburgh, from Mr. Alexander MacKenzie, the first of the family of Kilcoy, and son to the eleventh Laird of Kintail, telling he had received the pound of tobacco, sent him, and blaming Mr. John for not sending more of it, as he had got it so cheap as twenty pounds Scots the pound, that is £1., 13., 4 Sterling. This may be now looked on as a romance, by such as do not consider the difference of the value of money, the increase of trade and the improvement made in the cultivation of that article.

Finlay, fourth son of Christopher MacConnochie, was a pretty man in body and mind, according to what education he had got. For, being frugal and industrious, he left considerable means to his children. He did not live long, yet left four sons, the eldest of whom was Donald Du, begot before marriage. He was an able, strong man, of good sense and well to live. He had five sons, viz., Christopher, Donald, Finlay, Duncan and Farquhar, whose succession are numerous. Christopher was a well humoured, free hearted gentleman, died young and left no succession. Donald, the second son, called Donald Oig, was well known in the north and in many parts south, for an affable, generous gentleman. He was endowed with great natural parts and ready wit, and tho' he got no education, was Chamberlain of Kintail for several years, and discharged it exactly. His first wife was Anne, daughter to Alexander MacRa of Inverinate, who lived not a year with him. His second wife was Isabell, daughter to John Grant of Corimony, by whom he had several sons and daughters. He provided his eldest son Alexander very honestly, and gave liberal education to other two, viz., Mr. Finlay and Mr. Duncan. The former was a

great philosopher and divine, was for some time Minister of the Isle of Cumrie, in the firth of Clyde, but was obliged to leave it at the Revolution in 1688, and was afterwards Minister of Lochalsh. He was still looked on by the presbyterians, as an intruder, because he never took the oaths, and had only a presentation from the Countess of Seaforth. He married Margaret MacRa, eldest daughter of Duncan MacRa of Inverinate. He was a very ministerial man, and a clear preacher, much given to hospitality and charity.

Duncan, his youngest brother, was a hopeful youth of good education, and was governor to Mr. MacKenzie, younger, of Findon. He passed his tryals as probationer of divinity at Aberdeen, and became a learned and eloquent preacher. He died at Findon, in November 1690, and lies buried at Dingwall.

Donald MacUnlay left three daughters, the eldest married to Alexander MacRa of Achyark, whose male succession failed in the person of his grandson Duncan. The second was Margaret, married to Farquhar MacRa, brother to the said Alexander, and the third, to Alexander MacKenzie, brother german to Murdoch Mackenzie of Fairburn.

Murrach or Maurice, the fifth son of Christopher MacConnochie, was a strong, industrious man, and loved Kintail better than any other place. For, tho' he had advantageous offers from Colin Earl of Seaforth, to go to Kenlochew, where he might live very well, he would not go, and the Earl knowing it was his partiality for Kintail made him refuse such offers, was good enough to give him his choice tack in that country. This Maurice was a man of substance, and gave money to the then Laird of Chisholm, for payment of the interest of which, he and his successors had a grazing in Affrick, till the principal sum was paid. He was drowned in Strathglass, on his way home from Inverness, and his corps was carried to Kintail, where many of his posterity now live.

Christopher Oig, sixth son of Christopher MacConnochie is father to John and Alexander MacGilchrist Oig, who have several sons and daughters.



Donald Beg or Doil na smurrach, the seventh son of Christopher MacConnochie, was of lower stature than any of his brethren, but so remarkable for strength and nimbleness, that few would venture to compete with him, since all that did, were worsted in such exercises as required strength and dexterity. He was a great drover, lived well, but not long, and left no male issue.

Mr. Farquhar, the second son of Christopher MacConnochie, was born at Islandonan, *Anno* 1580, being a seven months' child, howbeit, he became afterwards to be a man of a very strong body, and his father perceiving his good genius for learning, sent him to the school of Saint Johnstown, where he stayed four or five years, and became a great master of the Latin language, as appears by some discourses of his, yet extant. From Perth his father sent him to the college of Edinburgh, where he became a pregnant philosopher beyond his condisciples, and commenced master of arts under the discipline of Mr. Thomas Reid, his regent, who afterwards became Principal of the college, all the members of which pitched on Mr. Farquhar, as the most accomplished and capable, to take Reid's place, as Regent. But, Kenneth, Lord Kintail, being then in Edinburgh, opposed of the design, and prevailed with the members of the college to pass from Mr. Farquhar, who himself preferred to be a preacher of the Gospel, to any other calling whatsoever, and for that end, had for some months preceding, heard the lectures and lessons of Mr. Robert Rollack, professor of divinity. So that, omitting that opportunity of improving his great abilities, he was brought by Lord Kenneth, home to Chanery of Ross,<sup>1</sup> where he was overseer of the grammar school which then flourished there, and stayed for the space of fifteen months, and having passed his tryals, he became a sound, learned, eloquent and grave preacher, and was pitched upon by the Bishop and Clergy of Ross, as the properest man to be Minister of Garloch, that he might thereby serve the colony of English, which Sir George Hay of

<sup>1</sup> The Chanonry of Ross, *i.e.* Fortrose.



Airdry,<sup>1</sup> afterwards Chancellor of Scotland, kept at Letterew, making iron and casting cannon. Mr. Farquhar having entered there, did not only please the country people, but also the strangers, especially George Hay. In the year 1610, Kenneth, Lord Kintail, brought Mr. Farquhar with him to the Lewes, where he preached the Gospel to the inhabitants, who were great strangers to it for many years before, as is evident from his having to baptize all under forty years of age, which he did, and married a vast number who lived there together, as man and wife, thereby to legitimate their children, and to abolish the barbarous custom that prevailed, of putting away their wives upon the least discord. This was so agreeable to the well thinking part of the people that my Lord Kintail, promising to place such a man among them, made them the more readily submit to him, so that all the inhabitants, at this time, took tacks from him, except some of the sons of MacLeod of Lewes, who fled rather than submit to him. My Lord falling sick, returned in haste home to Chanery of Ross, where he died, and was the first of the family that was buried there, leaving the management of his affairs, to Rory MacKenzie, his brother, commonly called the Tutor of Kintail, of whom are come the family of Cromarty. Mr. Farquhar married Christian MacCulloch, eldest lawful daughter to [Duncan] MacCulloch of Park, the first day of December 1611, and dwelt at Ardlair, where several of his children were born.

But Sir George Hay went from Letterew to Fife. He seriously invited Mr. Farquhar to go with him, promising he would get him an act of Transplantation, and his choice of several Parishes of which he was patron, and would besides give him a yearly pension from himself, and endeavour to get him ecclesiastical promotion. Mr. Farquhar could not

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<sup>1</sup> In the *Proceedings of the Society of Antiquaries*, vol. xxi., there is a valuable paper on the Ancient Iron Industry of Scotland. At p. 109 the Letterewe operations are discussed. The *Privy Council Registers* for the period also contain much information regarding Sir George Hay and the various industries in which he was concerned. The designation 'of Airdry' would seem to be a mistake.

in gratitude refuse such an offer, and was content to go with him, was it not that Colin, Lord of Kintail, prevailed with Sir George to dispense with him, Lord Colin himself purposing to transplant him to Kintail, which was then vacant, by the death of Mr. Murdoch Murchison, uncle by the mother, to Mr. Farquhar, who accordingly succeeded his uncle, both as Minister of Kintail, and Constable of Islandonan, in the year 1618, as will appear by a contract passed 'twixt Lord Colin and him, dated at Chanery, that year. Mr. Farquhar lived here in an opulent and flourishing condition, for many years, much given to hospitality and charity. After Earl Colin's death, his brother George, Earl of Seaforth, not only confirmed his right, during his own life, of the lands of Dornie, Inig, Arigugan, Drimbui etc. but also for a certain sum of money, added some years in favor of Mr. John MacRa, Minister of Dingwall, to be enjoyed by him after his father's Mr. Farquhar's death. Earl George committed to his care Kenneth, Lord Kintail, his son and heir, to be educated at Islandonan, where other gentlemen's children were brought, to keep him company till it was thought proper to send him to a more public school. The young Lord was at no disadvantage, by being so long with Mr. Farquhar, as it was by his care, and the wholesome rather than delicate diet he prescribed him that he grew so strong and healthy, that he could afterwards endure great hardships, and undergo vast fatigue without any bad consequences; besides, that his being in Kintail so long, made him known to the ways and manners of the Highlanders so well that he made an excellent chief and leader.

Mr. Farquhar being rich, when he came from Garloch, provided his children considerably well, having six sons and two daughters, that were settled in his own life time, viz., Alexander, Mr. John, Mr. Donald, Milmoire or Myles, Murdoch and John. He got a wadsett of the lands of Inverinate, Dorisduan and Letterinymer, for his eldest son Alexander, from Earl George, for the sum of six thousand Merks Scots. To Mr. John and Mr. Donald he gave liberal education, and some provision. His eldest daughter

Isabell was first married to Malcolm MacRae, son of John Oig MacUnlay Dhui, a pretty young gentleman, bred at school and college, and was killed at the battle of Auldern. After his much lamented death, she married William MacKenzie, son to Mr. John MacKenzie, sometime Minister of Lochalsh, of the family of Dachmaluack.

Helen, his second daughter, was married to John Bain, second son to John Bain of Knockbain, whom his father provided with some lands in Dingwall.

As Mr. Farquhar was prosperous and well to live, he was envied by severals, some of whom suggested to Patrick Lindsay, then Bishop of Ross, that he became too secular a man, and neglected his charge as a minister. Whereupon the Bishop acquaints him to come and preach before him and the Synod, next Provincial Assembly, where the Bishop, having to preach the first day, had the same text of Scripture, viz. '*Ye are the salt of the earth,*' upon which Mr. Farquhar had prepared to preach. Mr. Farquhar having told this to some of the brethren, an air of it came to the Bishop's ear, who called him and told him he would by no means allow him to preach on any other. Mr. Farquhar, on this occasion, performed his part so well, that it was then a common question among his hearers, whether the highland or the lowland salt savoured best, and it so recommended him to the Bishop, ever after, that his accusers were justly believed to have reported falsely of him. He thereafter preached once or twice, before Bishop Maxwell, who having asked the opinion of the brethren, they all commended his performance and asked his Lordship's own judgment in the matter, to which he answered, a man of great gifts, but unfortunately lost in the highlands, and pity it were his lot had been there. In the year 1651, Mr. Farquhar being then old and heavy, removed from Islandonan, by reason of the coldness of the air, to a place near it called Incheruiter, where he lived very plentifully for eleven years; some of his grandchildren, after his wife's death, alternately ruling his house, to which there was a great resort of all sorts of people, he being very generous, charitable and free hearted.

In the year 1654, when General George Monk passed through Kintail, with his army, they in their return, carried away three hundred and sixty, but not the whole of Mr. Farquhar's cows, for which after the restoration of King Charles II., he was advised to put in a claim; but his love of the change of affairs made him decline it, and at his death he had as many cows as then, and might have had many more, were it not that they were constantly slaughtered for the use of the family, when he had his grand-children and their bairns about him. Being at last, full of days, and having seen all his children (that came of age) settled, after he had lived fifty four years in the Ministry, ten of which at Garloch, he departed this life in the year 1662, and the eighty second of his age. He was buried with his predecessors, at Kilduich in Kintail.

His sons above named, are next to be treated of, referring Alexander, according to the plan I laid down, to be last spoke of. Mr. John, second son to Mr. Farquhar, was born at Ardlair, in Letterew, March 13th, 1614. After he had learned his grammar at Chanery, his father, knowing he would prove a scholar, sent him to the College of Saint Andrews, under the care and discipline of Mr. Mungo Murray, where he became a pregnant phylosopher, few in the University paralleling him. He had for his antagonist, the Earl afterwards Duke of Lauderdale. When he had commenced Master of Arts, his father, finding him of a scholastic genius, sent him to study Divinity at Aberdeen, under Doctor Robert Barron, with whom he remained three years, in which time he became a great divine, and profound schoolman. He made several attempts to go off the nation, in time of the violent pressing of the Scots' Covenant, which his father knowing crossed his design, keeping him with himself, in Kintail and tho' he had offers of a Kirk, he would not embrace any, because he would needs take the oaths, and subscribe the National Covenant. But, in the year 1640, the violent pressing of the Covenant became some what more remiss, and George, Earl of Seaforth, patron of the Church of Dingwall, which was then vacant by the deprivation of



Mr. Murdoch MacKenzie, for not submitting to the Acts of the General Assembly at Glasgow, wherein the Bishops were deposed, *Anno* 1638, gave him a presentation thereunto; wherein he entered without subscribing the Covenant, in which capacity also, he was more fitt for the Chair than the Pulpit, giving such evidence of his learning, as the place wherein and the society he was among would allow, and of his piety and vigilance, such as they could desire or expect from any.<sup>1</sup>

*Thus farr Mr. John MacRa; to which is added, by the transcriber,<sup>2</sup> such accounts as he has collected, which tho' imperfect, may become more so, by being longer trusted to tradition, and not committed to writing.*

Continuation of the Genealogical Account of the MacRas.

By the Transcriber of that originally written by John MacRa.

Who leaves off with saying of his uncle and immediate predecessor as Minister of Dingwall, '*That he gave such evidence of his learning as the place wherein, and the society he was among, would allow, and of his piety and vigilance, such as they could desire or expect from any.*' He first married Colin the first MacKenzie of Kincaig's daughter by whom he had sons and daughters, viz., Alexander, the eldest, and Mary, the second of this marriage; one of his daughters was married to MacKinnon of Corrichatachan, and another to George Tuach. His second wife was Innes, heiress of Balnain near Brahan and by her had two sons James and Murdow. Alexander, Mr. John's eldest son married Florence MacKinnon, daughter of Corrichatachan, and by her had sons and daughters. His father

<sup>1</sup> He was a source of much discomfort to his covenanting colleagues, who seem to have relieved their minds by writing unpleasantly of him in the Presbytery Minutes. On the restoration, however, his turn came. The offensive entries were deleted, and such expressions as 'shamelesse lying' written on the margin (*Records of the Presbytery of Dingwall*, Scot. Hist. Soc., vol. xxiv. p. 297, etc.).

<sup>2</sup> As explained *ante*, p. 197, Farquhar MacRa of Inverinate is not responsible for what follows, the fuller statements in the Camden print being substituted for what he originally wrote.



got him a Wadset of the lands of Conchra and Ardeichaig, for the sum of four thousand pounds Scots, the balance of rent being paid yearly for cess. He was a sensible, good Countryman and died at an advanced age. John, his eldest son, was a stout, pretty man and married Isabelle MacRa, eldest daughter of Mr. Donald MacRa Jr. Minister of Kintail, by whom he had two sons. He was killed at the Battle of Sheriffmuir, *Anno* 1715, being then a Captain in one of the Earl of Seaforth's three Regiments.

Duncan, second son of Alexander, was tutor to his two nephews, Alexander, who died young, and John who succeeded to the Wadset Right of Conchra. He married Isabell MacKenzie, daughter of Alexander MacKenzie of Balloan, by whom he had three sons and a daughter. In the year 1751, Kenneth, Lord Fortrose, relieved this and all the other Wadsetts on his Estate.

This John was an active, industrious man and added three thousand Merks to his subject. He died in the year 1761, leaving his children under the tuition of Hector MacRa, Taxman of Ardelve, second son of Finlay MacRa, Minister of Lochalsh and other friends. Their names are John, Duncan, Colin and Florence.

John married Anne, daughter of Alexander MacRa, Taxman of Arigugan, by whom he has a son James and a daughter Florence.

Harry, second son of Mr. John, was one of the Bailies of Dingwall, and left no male issue. James, third son of Mr. John, became heir of Balnain, by right of his mother who survived him. He was succeeded by his brother Murdoch who married . . . by whom he had sons and daughters, and finding the lands of Balnain much encumbered, was tampering about the disposal of them to Seaforth, when he died. The plan being suggested to his eldest son Duncan, he disposed of them accordingly, for a free life-rent tack of Fadoch in Kintail, which he held rent-free for five years only, tho' he lived about forty years thereafter. Thus the estate of Balnain, consisting of Balnain, Knocknate, Knocknatariga and Dungalst, fell into the family of Seaforth, for little money.

Duncan, the tutor of Conchra, was married to Isabell, the eldest daughter of Mr. Finlay MacRa, Minister of Lochalsh, by whom he had two sons and four daughters, viz., Farquhar, Alexander, Isabell, Anable, Mary and Janet.

Duncan, the eldest son of Murdoch, was married to Mary, the daughter of Donald MacGilichrist, and by her had three sons and four daughters, John, Donald and Farquhar, Isabell, Janet, Margaret and Christian. Murdoch had three other sons, Farquhar, Donald Bain and Christopher. Farquhar left two sons, John and Donald. Donald Bain left three sons, John, Christopher and Finlay. Christopher Murdowson left no male issue. Each of the four have children. Mr. Donald, third son of Mr. Farquhar was Minister of Kintail, married and had three sons, Alexander, John and Colin. To the eldest he gave two thousand Merks and settled him in the lands of Druideg. John and Colin were likewise famous in the country. John left one son named Kenneth, who married and had two sons, who after his decease, went with their mother and her second husband to North Carolina, *Anno* 1774.

Colin married and had two sons, Kenneth and Alexander, and two daughters. Kenneth, Colin's son, left only one daughter, and Alexander has a son and three daughters. Alexander, Mr. Donald's son, married . . . Fraser, by whom he had two sons, Christopher and Donald. This last married a daughter of Matheson of Fernaig, by whom he had three sons and one daughter, Donald, Duncan and Alexander and Janet, each of whom have children. Christopher, son of Alexander, Mr. Donald's son married Janet, daughter of Farquhar MacRa of Inverinate, by whom he had a son and three daughters. He was a tall slender man, but very spirited, and among the first and firmest friends of Mr. John Beaton, the first Presbyterian Minister of the then new erected Parish of Glensheal, *Anno* 1727. He died *Anno* 1765. His son Christopher died young, leaving four sons and five daughters.

Myles or Milmore, Mr. Farquhar's fourth son, was one

of the brothers, who had Camusluing in joint wadsett for one thousand Merks. He married and had a son called Donald, who was one of the subscribers to the contract of friendship above narrated, was an active, spirited man, married and left a son named John, who married Marion, daughter of Christopher MacRa, Taxman of Arigugan, of whom afterwards. By her he had three sons, Alexander, Farquhar and Duncan. Duncan died young and unmarried. Farquhar had two sons, Donald and Farquhar. Alexander married Isabell, daughter of Duncan above mentioned, as heir of Balnain, by whom he had a son and daughter. He was a poor and spiritless man. His son Duncan is an industrious and religious man, and has children.

Murdoch, fifth son of Mr. Farquhar, was one of the brothers who had Camusluing in joint wadsett, for one thousand Merks. He married and had a son called Donald, who married and had a son called Murdoch, who married Giles, daughter of Kenneth MacKenzie, merchant in Dingwall, by whom he had two sons and four daughters. Alexander, the youngest, married . . . MacLean, niece of Mr. John MacLean, the first Presbyterian Minister settled in the Kirk of Kintail, by whom he had one son and four daughters. Donald, the eldest, married Anne, the daughter of Alexander MacKenzie of Lentrone, by whom he had four sons, Murdoch, who emigrated to North Carolina in 1773, and was killed in the engagement 'twixt the Loyalists and the Americans, at More's bridge, in that country, February 1776; John, his second son is in the planting line in Jamaica; Colin, his third son is a printer in London, and Alexander, his fourth son, is in the mercantile line in New York. He has four daughters, Abigail, Giles, Florence and Janet. Donald, their father outlived his fortune and being old, is become blind. John, fifth son of Mr. Farquhar, was many years, Taxman of Arigugan, in Glenelchaig, a very active and successful farmer. He had a son before marriage, Duncan, who lived in Kylrie, who had a son called Alexander, who left sons and daughters, Donald and Duncan, Mary and Catherine and Rebecca. Donald

left two sons, Duncan and Alexander, who have issue. His brother Duncan has a son called Donald. Alexander had a brother named Donald, who had three sons, John, Alexander and Duncan Roy. The above John's eldest lawful son was called Finlay, who married MacLeod, afterwards married to Neil MacKinnon at Boreraig, in Strath. Finlay lived in plentiful circumstances at Duiligg, was killed at the battle of Glensheal, June 1719, leaving two sons, Christopher and Farquhar, and a daughter, married to Lachlan MacKinnon, Kyle. Christopher lived at Dall, a religious and honest man, married a daughter of Christopher MacRae, in Drudag, by whom he had a son John, and three daughters, Janet, Florence and Anne. Farquhar married first a daughter of Duncan MacRae of Arigugan, who was killed at the battle of Sheriffmuir, November 1715, and next Mary the daughter of Alister Moir MacEan Vic Connachie from Strathglass, formerly married to one Matheson in Lochalsh. Of the first marriage he had three sons, Finlay, Donald and Duncan. The two youngest emigrated to North Carolina, *Anno* 1774, and Finlay is married, a tenant in Bundaloch, and has children. Farquhar, by his second wife, left a son named Christopher, and four daughters. Christopher is a tenant in Carr, married, and has children. These three last sons of Mr. Farquhar were joined partitioners of the wadsett of Camusluing, for which their father gave ten thousand Merks to George, Earl of Seaforth.

But whether the other two paid off John or not, his successors got none of the money, when the wadsett was redeemed in the year 1751.

Alexander, the eldest son of Mr. Farquhar, comes now to be mentioned. His father got him a wadsett of the lands of Inverinate, Dorisduan, and Letterinymer, from George, Earl of Seaforth, for the sum of six thousand Merks, and the payment of the cess annually. He was much esteemed by Kenneth moir, Earl of Seaforth, being schoolfellow with Mr. Farquhar. He made him his factor in Kintail while he lived. He was first married to Margaret, the daughter of Murdoch, the second MacKenzie of Red-



castle, by whom he had two sons, Duncan and John, and two daughters Kathrine and Mary. His second wife was Mary, daughter of Alexander the fourth MacKenzie of Daehmaluaek, by whom he had seven sons and two daughters, Alexander Oig, Mr. Donald, Christopher, Farquhar, Murdoch, Allan and Hugh, Isabell and Margaret.

Alexander's second son John<sup>1</sup> studied Divinity and became Minister of Dingwall, after the death of his uncle Mr. John. He was a great favorite of the family of Seaforth, and got a wadsett of the lands of Dornie, Droudig, Inig, and Arigugan, for the sum of seven thousand five hundred Merks. He married the daughter of Bain of Knockbain, by whom he had three sons and two daughters, Alexander, John and Roderiek, Mary and Janet. He died, *Anno* 1704. Mary was married to Dingwal of Ussie and Janet to John Tuach of Logerich. Mr. Rory was married to a daughter of Alexander MacKenzie, Chamberlain of Ferintosh, by whom he had two sons, John and Duncan, and two daughters, Helen and Janet. Duncan went to Maryland in America, was a Lieutenant in the Provincials there, and was killed with several others of the advanced party on the Expedition under General Forbes to Fort Du Quesne, afterwards called Fort Pittsburg, in the year 1757.

John is living unmarried. Helen is married to Thomas MacLean Schoolmaster at Ord, and Janet died unmarried. Alexander was bred a Priest, and lived 'twixt Brahan and Strathglass till he was old, when he went to Douay, where he died. John was married to the daughter of MacKenzie of Auch. Her brother John was one of the Earl of Seaforth's Majors, in the year 1715, commonly called John of Auch. John MacRa had a son named Alexander and two daughters, Margaret and Mary. Margaret is married to John Matheson in Durinish, and Mary to James Matheson third son of Alexander Matheson of Benagefield<sup>2</sup> by another sister of John of Auch.

Alexander, having got up his wadsett money from

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<sup>1</sup> This is the author of the genealogy.

<sup>2</sup> Obviously Bennetsfield.



Seaforth, left the north country, dealt privately in the mercantile line, in England and the south of Scotland, and having sold his property about Dingwall, settled in Bristol, where he died without issue, in April 1781, leaving his Subject, by a Trust Deed or Testament, to the College of old Aberdeen, for the benefit of indigent boys of the name of MacRa, those who could be traced from his Great Grand-father in the male line in preference to all others.

Donald MacRae, fourth son, was for a time, school-master at Fortrose, and afterwards, Minister of Kintail, and married Cathrine Grant, daughter of Glenmorriston, by whom he had six sons, Alexander, Mr. John, Duncan, Colin, Christopher and John Oig, and three daughters, Isabell, Cathrine and Christian. This last married Donald her cousin german, a son of Farquhar of Morrich. Kathrine married Donald MacRa in Torlisich. Isabell married first John MacRa of Conchra, above mentioned, and next, Alexander MacKenzie grand-child to Applecross, and then George MacKenzie a son of Fairburn, and had a son by each of them. John Oig left four daughters, all married and have children. Colin and Christopher were killed at Sheriffmuir. Duncan married and had children. Mr. John was well educated, was Governor to Norman MacLeod of MacLeod, who settled the sum of one thousand pounds Scots upon him and his heirs, per Bond, which sum Mr. John left to John Oig when he died in the year 1781. He was married to a daughter of the Laird of Chisholm . . . left no issue. Alexander, the eldest son of Mr. Donald, married Florence, the daughter of Ewen MacKenzie of Hilton, by whom he had two sons Farquhar and John, and three daughters. John married a daughter of Auckerach, and falling low in his means, emigrated with many others to North Carolina in 1774. He died there soon after, being stung by a snake, when hewing wood, to clear a plantation. He left a son there, called John. Farquhar was married, first to the daughter of Christopher Oig under-mentioned, the widow of John the younger of Achyark, his cousin, by whom he had one daughter, and is now married to Margaret, daughter of Duncan MacUrchie, some time of Balnain, as

mentioned above, by whom he had three sons and a daughter, who died soon after her marriage with John MacRae Duncanson, in Dornie. Christopher, the eldest, is now a Sergent in the 78th Regiment, raised by the late Earl of Seaforth, now in the East Indies, and the other two, Colin and Alexander, at home unmarried.

I hitherto omitted Alexander, the son of Alexander of Inverinate, his eldest son by Dachmaluacks's fifth daughter. He settled his patrimony, being three thousand Merks, in Seaforth's lands, and had possession of the farm of Mickle Achyark. He gave good education to his only son John, who was one of Seaforth's Captains in the year 1715. He had two daughters, Cathrine and Mary. Both married and left children by name-sakes. John survived his son John, who married the daughter of Christopher Oig, above and after named, by whom he had a daughter Isabell, married to William Morrison tenant in Baloogu, a town of Fairburn's estate. John, her grandfather, having gone in with her and her mother, to the house of Farquhar, his relative and next male heir, was so chagrined with his usage that he made over the three thousand Merks to Seaforth, upon a promise of his grandchild Isabel getting five hundred Merks of tocher, at her marriage, which Seaforth paid accordingly.

Alexander, Mr. Farquhar's eldest son, was married, first to Murdoch MacKenzie of Redcastle's daughter, and had by her, two sons and two daughters, Duncan, Mr. John, Kathrine and Mary. He had for his second wife, Mary, the sister of Rory MacKenzie of Dachmaluack, by whom he had Alexander, Mr. Donald, Christopher, Farquhar, Murdoch, Allan and Hugh, and two daughters.

Duncan,<sup>1</sup> the lineal heir and grandson of Mr. Farquhar, was married to Janet MacLeod, one of the co-heiresses of

<sup>1</sup> Generally called Donnachadh-nam-Pios. He was a man of considerable attainments and marked poetic gifts. The well-known Fernaig MS. (printed in *Reliquiæ Celticæ*, vol. ii. p. 1) is attributed to him. According to a note in the Camden print, 'This Duncan, the son of Alexander, the son of Mr. Farquhar, was drowned in crossing a burn near his own house in Dorisdun, upon his return from the low country, by which accident the family lost much property by the destruction of bonds and other papers he had by him.'

Rasay, and had by her Farquhar, Kenneth, and John, and two daughters. Farquhar, his eldest son was married to Anne the daughter of Mr. Simon MacKenzie of Torridon, by whom he had Duncan, Christopher and John, Janet, Mary and Anne. He died in 1711. Duncan the eldest son of Farquhar, was married to Florence, daughter of Charles MacKenzie of Cullen, of the family of Kilcoy, and died in 1726, and had by her a son called Farquhar, who married Mary MacKenzie, daughter of Alexander MacKenzie of Dachmaluack, by whom he had eight sons and four daughters.

Mr. John, the second son of Alexander, Mr. Farquhar's son, was married and had three sons and two daughters, Mr. Alexander, a Priest, John, Mr. Rory, Mary and Janet. John was married and had a son called Alexander, and two daughters, Margaret and Mary. Mr. Rory was married and had two sons, John and Duncan, and two daughters, Helen and Janet.

Alexander, the third son of Alexander, Mr. Farquhar's son, was married and had a son called John, who married and left one daughter. The portion of this family, styled of Achyark, fell into Seaforth, being three thousand Merks. Mr. Donald, the fourth son of Alexander, Mr. Farquhar's son, was married and left of sons, Alexander, Mr. John, Duncan and John, and of daughters, Isabell, Cathrine and Christian. Alexander, son of Mr. Donald, married and had two sons, Farquhar and John, and several daughters. Mr. John married and had no children. Duncan married and left four boys, John, Alexander, Duncan and Colin. John, Mr. Donald's son married and has children. Christopher, the fifth son of Alexander, Mr. Farquhar's son married and had several sons and daughters, Duncan, Alexander, Donald, Christopher, Murdoch, Farquhar, and Finlay. Mr. John graduated in Aberdeen, and died unmarried. Mary, Marion, Anne, Christian, Cathrine, Janet and Isabell, and Margaret married in Strathglass to Finlay MacRa. All married except Finlay and Janet, and have children.

Farquhar, the sixth son of Alexander, Mr. Farquhar's

son married and had sons, Murdoch, Donald and Farquhar Oig, and daughters, Anne and Margaret, all of whom married, and have children. Murdoch, the seventh son of Alexander, Mr. Farquhar's son, married and had two sons, Donald and John. Donald had two sons, Farquhar and John, and a daughter named Christian. John Murdoch's son left a son called John.

Allan, the eighth son of Alexander Mr. Farquhar's son, left no male issue. Hugh, the ninth son of Alexander, Mr. Farquhar's son, married and had sons and daughters, Alexander, John and Duncan, a natural son, Barbara and Mary.

Alexander married twice, and has sons and daughters and so have the rest.

Kenneth, the second son of Duncan, grandchild of Mr. Farquhar, left only two daughters. John, the third son of Duncan, left also two daughters. Christopher, the grandson of Duncan, left one son and died in 1741. John, brother of Christopher, died unmarried in 1733.

#### POSTSCRIPT.

The Gaelic verse on p. 216 seemed hopelessly corrupt. But Mr. A. W. U. Macrae, who has gone into the matter, suggests that it might possibly read as follows :

Dhonnachaidh mhic Ghillechriost mhic Fhionnlaidh,  
'S mor am beud a thuit le d' aon laimh.  
Ogha's iar-ogha mhic Rìgh Fionnghall,  
'Thuiteam le bramag an aon mhic.

and that the translation might be :

Duncan, son of Gilchrist, son of Finlay,  
Great is the disaster wrought by thy single hand,  
That the grandson and great-grandson of the King of the Isles (King  
Fingall)  
Should have fallen to the shaft of the only son.





PAPERS RELATING TO THE MACLEANS OF  
DUART, 1670-1680

## INTRODUCTORY NOTE

THE troubles which culminated in the downfall of John, Lord of the Isles, seem to have been due in no small measure to the jealousy aroused among the magnates of Clan Donald by the favour which he showed to strangers to their blood.<sup>1</sup> Prominent amongst these was Maclean of Duart, descended, according to tradition (*vide ante*, p. 21), from the younger of two adventurous brothers, who appeared on the scene about the middle of the fourteenth century. Hector, the elder, according to this story, got a grant of Lochbuy from John of Yle, Lord of the Isles, who also made Lachlan, the younger, the chamberlain of his house. This Lachlan married Mary de Insulis, a daughter of the Lord of the Isles by Amie MacRuari (*vide ante*, p. 78)—an alliance which naturally increased his influence. By their acquisition of lands in Tiree and Morvaren and elsewhere, in addition to Duart, the descendants of this marriage rapidly attained a position of great importance amongst the vassals of the isles. And in 1495 Hector Maclean, then Lord of Duart, received from the Crown a confirmation of the extensive possessions which had been bestowed on his predecessors by the Lords of the Isles, and were erected next year into the barony of Doward in favour of Lachlan, his natural son (*Reg. Mag. Sig.*, xiii. 301).

During the next century the successive heads of the family took a prominent part in the perpetual feuds with

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<sup>1</sup> *Vide Gregory, History*, p. 51.

which the western isles were afflicted, and several marriages with the Campbells brought them into close, though not always friendly, relations with the House of Argyll.<sup>1</sup> At the Reformation they took their part in despoiling the Church, and added Iona and the Ross of Mull to their other possessions. During the Civil War the Macleans of Duart suffered much for their loyalty. Even after the Restoration their fortunes did not mend, and finally about 1672 began the proceedings which ended in the loss of their estates.<sup>2</sup>

Some hundred years thereafter Sir Allan Maclean, whose hospitality on the little island of Inchkenneth was never forgotten by Dr. Samuel Johnson,<sup>3</sup> made a strenuous attempt to recover the estates of his family. In the action which he raised, with Allan M'Lean of Drimnin, for technical reasons, as nominal pursuer, and Boswell as one of his Counsel, the whole history of the earlier transactions was gone into, and many interesting documents were produced which throw light not merely on the legal procedure, but also on the social conditions of the time. A selection of these documents is now printed, by the permission of the Faculty of Advocates, from the Campbell collection of Session papers in their library.

In addition to the light that they throw on what was practically a private war, these documents set forth the different holdings on the Duart estates, and also numerous names of the tenantry which should be useful for genealogical purposes. They also include detailed rentals and other material which show the prestations due in Morvaren

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<sup>1</sup> For instance the well-known story of Duart marooning his wife, a sister of Argyll, on the Lady's Rock.

<sup>2</sup> For a pungent criticism of these whole proceedings see *Sir George Mackenzie*, by Andrew Lang, pp. 208 *et seq.*, and authorities there cited.

<sup>3</sup> Boswell's *Life of Johnson*.

and Tiree as well as in Mull, and enable some idea to be formed of the value of stock and produce in the western isles at the close of the seventeenth century.

To complete the story a few other documents have been added at the end. And to the whole is prefixed part of the pursuer's statement of the facts which led up to the action of 1774. Though of course an *ex parte* pleading, it seems to set out with reasonable accuracy the leading dates and, from his point of view, the main facts on which the lawsuit was based.

# PAPERS RELATING TO THE MACLEANS OF DUART, 1670-1680

## I

INFORMATION for ALLAN M'LEAN of *Drimnin*, Pursuer;  
against JOHN, Duke of *Argyle*, Defender.

SIR LAUCHLAN M'LEAN of M'Lean, Baronet, and his predecessors, were proprietors of the estate of Dowart, which stood limited to heirs-male; and comprehended, amongst a variety of other particulars, the lands of Arrois and Brolas, Ross, and Icolmkill in Mull.

The lands of Ross and Icolmkill were held by them of the bishop of the Isles; but they held the whole remainder of the estate immediately of the Crown. It would appear, however, that some transaction had passed betwixt the family of Argyle, for granting to them the superiority of the lands of Arrois and Brolas; for we find, that the Earl of Argyle did, in 1637, expedite a charter under the great seal, of the said lands of Arrois and Brolas; upon which he was infeft.<sup>1</sup> And the Marquis of Argyle did in the 1642, May 21, grant a feu-right of these lands to Sir Lauchlan, and his heirs-male and assignees whatsoever, heritably and irredeemably<sup>2</sup>: And in virtue thereof, Sir Lauchlan was infeft, the July following.

<sup>1</sup> The *quæquidem* clause of the charter, which is dated 18th February 1637, and recorded in the Register of the Great Seal, shows that it proceeded on a resignation by Sir Lachlan Maclean dated 29th November 1634.

<sup>2</sup> It was not uncommon for a man who held lands direct of the Crown to be persuaded or concussed by some powerful neighbour into a transaction under which the latter became the Crown tenant *in capite*, and then feued out the estate to the original owner as his vassal. A good example of this is to be found in two documents relating to the Macleans of Ardgour, printed *post*, pp. 323 *et seq.*



Sir Lauchlan having received letters from Charles I. in 1641, to take arms in his cause, the Marquis of Argyle, his near relation, invited him to Inverary; and, upon pretence of a discovery of this fact, and his refusing to discover the King's instructions, sent him prisoner to Carrick, and from thence to Dunstaffnage, where he was arrested for private debts, and detained in custody for above a year.

During his imprisonment, Sir Lauchlan, in order to obtain a release, granted to the Marquis a bond for 16,178*l.* Scots, as the supposed amount of certain debts, in which the Marquis was said to be his cautioner, *per* accompt therein referred to; and another bond for 14,837*l.* Scots, as the amount of certain feu-duties, rents, etc., to which the Marquis pretended right, as commissioned by the King, to receive and discharge them.<sup>1</sup>

Sir Lauchlan took arms under Montrose, and joined the royalists with a body of his followers. During his absence, Argyle invaded his estate, plundered, burned, and destroyed.

When the royalists were overcome, Sir Lauchlan returned to his estate, which, for some time, he endeavoured to protect from the invasion of Argyle; but was at length subdued by a superior force under the command of General Leslie, and was obliged to surrender his castle of Dowart, and other places of strength, to be garrisoned by the forces of Parliament.

Sir Lauchlan died in 1649, leaving two sons, Hector and Allan, both minors.

In 1650, when Sir Hector was minor, he was called to join the royal standard; but, afraid to leave his country at Argyle's mercy, a settlement, in which great advantages were taken of him, was made with Argyle. A new accompt, accumulating principal and interest at eight

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<sup>1</sup> Whatever may be the truth as to Argyll's claims against him, there is no doubt that Sir Lauchlan Maclean was in serious financial difficulties even before this time. As early as 1638 he seems to have found it necessary to grant something like a Trust Deed for behoof of creditors, as appears from the interesting obligation by John Maclean, fiar of Ardgour, and others, printed *post*, p. 320.

*per cent.* without deduction either of payments or intromissions with Sir Lauchlan's estate and effects, was instituted, whereby, and by a fresh addition of feu and teind-duties, and other charges, a sum of 60,000*l.* Scots was made up against the minor; for which, he, of this date, granted a bond of corroboration.

Mar. 5, 1650.

Sir Hector having joined the royal army at Stirling, was killed in the field near Inverkeithing,<sup>1</sup> and succeeded by his brother Sir Allan : But Sir Hector had never made up titles, as heir to his father Sir Lauchlan in the estate of Dowart.

Sir Allan, at the time of his succession, was an infant of four years of age, when his uncle-consanguinean, Daniel M'Lean of Brolas, (who had obtained a wadset of these lands, in manner to be afterwards particularly stated) as his tutor, assumed the management of his affairs; but the Marquis of Argyle being in great favour with Cromwell, and his commissioners for the administration of justice, it would appear, that he considered this to be a favourable opportunity to lay hold of the estate of Dowart, under the pretence of the debts which he alledged were due to him.

In this view, he charged Sir Allan to enter heir to his predecessors, and brought an action before Cromwell's commissioners for payment of said 60,000*l.* Scots in Sir Hector's bond of 5th November 1650, with annualrent from the date, without deduction of a shilling of the large payments that were made to him, particularly, 10,000*l.* Scots, which Sir Hector is said to have paid in part of the bond, a few months after it was granted. This fact was alledged in certain proceedings before the privy-council, and not denied by Argyle, though there is no other legal document to vouch it: But it is certain, that Daniel M'Lean, Sir Allan's tutor, paid 20,091*l.* Scots in 1652, 1655, and intermediate years, vouchers of which are still extant.

<sup>1</sup> It was at this fight that one after another Sir Hector's foster brothers sacrificed themselves in the vain effort to preserve their chief, from which the proverb '*Another for Hector*' took its rise.

In the foresaid process, Sir Allan, with consent of M'Leans of Lochbuy and Argour,<sup>1</sup> who are said to be his tutors, renounced to be heir to Sir Lauchlan his father, and to Sir Hector his brother; whereupon the Marquis obtained decret *cognitionis causa*, of this date; and thereupon, he afterwards, of this date, adjudged the whole estate of Dowart, comprehending Arrois and Brolas, held of the Marquis himself; the property of which last mentioned lands was thereby decerned to be consolidated with the superiority thereof, in the pursuer's person, to remain with him irredeemably in time coming, for the accumulate sum of 127,679 merks, as at Martinmas 1658; notwithstanding that appearance was made for Sir Allan, who objected, that the decret of constitution was void, the renunciation being granted by persons not lawfully authorised to act as tutors, and that the renunciation was revoked; that the estate could not be adjudged for Sir Hector's debts, because he died a minor, without entering heir, or being infeft; and that Sir Allan having lately got tutors, he should be allowed time for his defences.

The commissioners likewise refused a petition for Sir George M'Kenzie, a relation of the family's, who, in virtue of the infeftment, which appears to have been a trust for behoof of the family of Dowart, had an interest in the lands; 'reserving to the defender Sir Allan M'Lean, all his lawful defences, he has, or will use, in any action to be intended by the pursuer upon the present debt against the defender, or his tenants, as accords of the law.'

The Marquis of Argyle, the adjudger, was attainted, beheaded, and his estate forfeited in 1661. But the Earl of Argyle, his eldest son, in 1663, got a gift of his father's forfeiture, and obtained from chancery, a precept under the quarter-seal, reciting Argyle's adjudication of the estate of Dowart, his forfeiture, and gift thereof to the Earl; and therefore, authorising infeftment of the whole estate of Dowart, to be held of the Crown; and the Earl was infeft accordingly; notwithstanding that Argyle's claim on Dowart, was, by decree of the Crown's com-

<sup>1</sup> See *post*, p. 336.

Dec. 1657.

Feb. 26, 1659.

Oct. 16, 1663.

Feb. 18, 1664.

Feb. 26, 1664.

missioners, during the forfeiture, set apart for payment of the Marquis of Argyle's debts, in terms of the gift.

The Earl of Argyle, of this date, expedé a charter under Oct. 16, 1673. the great seal, of the estate of Dowart, proceeding upon his own resignation ; but with a particular exception of the lands of Brolas and Arrois, which were held of himself, and in which, it is said, he was formerly infeft ; and upon this charter, infeftment followed.

Sir Allan, who had intermarried with Julian M'Leod, the daughter of M'Leod of Dunvegan, died in the 1674, leaving an infant son, John, whose affairs were managed by Lauchlan M'Lean of Brolas, who opposed the Earl of Argyle's possession of the estate of Dowart, which he endeavoured to acquire by means of letters of fire and sword ; but which it does not appear he had effected in 1681, when he was forfeited, and afterwards executed in February 1685.

The Earl of Argyle, his son, was restored to his estate in 1690, and obtained an order of privy-council for reducing the M'Leans.

Sir John went abroad in 1693, and resided in France till 1704, when he returned to England ;<sup>1</sup> was introduced to Queen Anne, and promised her favour in a settlement of his affairs with Argyle ; and she gave him a pension of 500*l.* Sterling *per annum*, which he enjoyed till her death in 1714. But Sir John having engaged in the rebellion 1715, his affairs were thereby rendered desperate. He died in the 1716, leaving Sir Hector his only son, a boy of 12 years of age.

Sir Hector, when he came of age, went abroad in the 1724 : He visited Scotland in 1727 ; but went back to France, where he remained till May 1745, when he returned to Scotland ; was sent prisoner to London, and kept in custody for two years ; and having then been released, he went abroad, and died in Italy in the 1751, without issue.

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<sup>1</sup> He was mixed up in the Scots Plot, and undertook to tell all he knew 'upon assurance of his pardon and being treated like a gentleman, so as not to be required to appear in public as an evidence against any person' ! (*Proceedings in the House of Lords*, p. 6).



By Sir Hector's death, the succession of the family of Dowart, opened to Sir Allan M'Lean his cousin, the great-grandson of Daniel M'Lean, who obtained the wadset of Brolas ; and Sir Allan, being impressed with a sense of the iniquity of the foresaid transactions, whereby his own family had been stripped of their inheritance, granted a trust-bond to Allan M'Lean of Drimnin, the pursuer, for 200,000*l.* sterling, who thereupon charged Sir Allan to enter himself heir in special to his predecessors, who died last infest, vest and seised in the lands and barony of Dowart, and other estates belonging to the family ; and, of this date, obtained decreet of adjudication against Sir Allan, adjudging from him the whole estate of Dowart, and others, in payment of the sums contained in the said trust-bond, thereby accumulated to 252,054*l.* 10*s.* Sterling, with annualrent from the date, during the not redemption.

Nov. 20, 1771. Upon this title, Drimnin, with concurrence of his Majesty's advocate, brought a reduction and improbation before the Court of Session, against John, Duke of Argyle, calling for exhibition of his and his predecessors' rights and titles to the estate of Dowart, to be reduced and improven ; and to have it found and declared, that they were paid and extinguished ; and that the pursuer had the only right and title to said estate ; and that the Duke ought to be decerned to make payment to the pursuer, of the balance arising from his own and his predecessors' intromissions with the rents of said estate.

Dec. 23, 1771. The Duke of Argyle, on the other hand, brought an action of reduction and declarator against Sir Allan and Drimnin, for reducing the foresaid adjudication ; and for declaring, that he had the absolute and irredeemable right and title to the whole estate of Dowart.

These mutual processes were conjoined before the Lord Elliock Ordinary ; and after sundry proceedings, unnecessary to be recapitulated, the defender made a production of sundry writings and titles. . . .



In the original proceedings the first step taken by Argyll was to raise an action to have Sir Allan Maclean ordained to pay over to him, as the true owner, the rents of the Duart estates. The Decreet which follows (No. II.) is of great interest, containing as it does the names of all the holdings on the Duart estates (except Brolos) and their respective rents.<sup>1</sup>

## II

DECREET of MAILLS and DUTIES, EARL of ARGYLL  
against M'LEANS, 1672.

AT EDINBURGH, the seventienth day of February, One thousand six hundred and three score and twelve years, anent the summons raised and pursewed before the Lords of Council and Session, at the instance of Archibald Earl of Argyll, Lord Kintyre, Campbell, and Lorne, against Sir Allan M'Lean of Dowart, making mention, That quhair, upon the sevinteen and eighteen days of November, One thousand six hundred three score and four years, the said persewer was duly and heritably infeft, and seised in, All and Haill the lands and others under written, *to witt*, In All and Haill the lands and baronie of Dowart, containing the lands and others after specified, *viz.* the lands of Torossie, containing the lands and others after mentioned, *viz.* the lands of Dowart, the castle, tower, and fortalice thereof, and milne of the same; the lands of Barbryane of the [castle]<sup>2</sup>; the lands of Barnabryane, Nagagnane, the lands of Auchmacroiche, the lands of Glenanes, the lands of Auchtybeg, the lands of two Tournaskeoches, the lands of Torgormæg, the lands of Auchmacroich, the lands of Ardehyell, Coulschaes, and the lands of Ardnadraeghs, with the pertinents, parts and pendicles thereof whatsoever, lying in the Isle of Mull; All and Haill the lands of Glencamoir and Gartenbany,

<sup>1</sup> The spelling of the names both of persons and of places in this and the other documents is frequently very bad. But to correct it satisfactorily in footnotes would be impossible.

<sup>2</sup> This and other blanks have been filled in from the Decreet of Removing, No. III., which it has not been thought necessary to print at length.

the lands of Gometra ; All and Haill the lands of Tressinose, comprehending the lands following, *viz.* the lands of Kilmaluage, the lands of Skaneir, and the lands of Vawne, the lands of Galen, the lands of Gragart ; All and Haill the lands of Moreneish, comprehending the lands under written *viz.* the lands of Cologare, the lands of Januey, and the lands of Calloch, the lands of Sunneboyle, the lands of Gilchryst, the lands of Penniemoir, Arderbirnes, the lands of Airdyne, the lands of Lag, and the lands of Fracadile, with the parts, pendicles, and pertinents thereof whatsoever, likewise lying in the said Isle of Mull ; All and Haill the lands of Ulva, the lands of Lagane, and the lands of Balsagarie, with the pertinents thereof ; All and Sundrie the lands of Carneburg, with the castle, tower, and fortalice thereof, with the isles belonging thereto ; All and Haill the lands of [Underwyne],<sup>1</sup> lying in the Ile of Tirie, *viz.* the lands of Mannell or Mandalen, and the lands of Crosseboyll, and the lands of Kyllein, with the pertinents, together with the office of bailliarie of the said Isle of Terie : All and Haill the lands under wrytten in Mørverne, *to wit*, the lands of Uladill, the lands of Auchacha, the lands of Aucharenich, the lands of Strane, the lands of Kenloch, the lands of Aucheleiane, the lands of Dangarie, the lands of Straglasch and Glaschbraik, the lands of Auchdonill and [Anochitey] called *Regland*, with the pertinents thereof ; all lying within the sherriffdom of Argyll, and all unit, annexed, incorporate, and erect in ane haill and free barony, called the *Barronie of Dowart* : And sicklike, All and Haill the tennendrie of Arrois in Mull, comprehending the lands and others under written, *to wit*, All and haill the five-merk land of New Calgadie, with the pertinents, lying in the Ile of Ila, in the lands of old pertaining to the Abacy of Derie ; All and Haill the two-penny land of Claighall ; All and Haill the an-pennie land of Englishaw, the an-pennie land of Ballenacheyne, the ane-pennie land of Kilmair, the two-pennie land of Aird, the two-pennie land of Barrievaig, the ane-pennie

<sup>1</sup> This looks like a clerical error for 'All and hail the lands *underwritten*' (underwȳne)?

land of Kiffat, the one-pennie land of Erska, the two-pennie land of the Ile of St. Kennethes, commonlie called *Inschkenneth*, with the cunnynghare and fishing thereof; the half-pennie land of Glenligadill, and half of the cunnynghare, with the teind-sheaves of all and hail the foresaids lands and isles includit, which in tyme past was set with the said lands without division, lyand within and near the said Ile of Mull: And sicklike, All and Haill the ane-merk land of Scarvenies, lying in the Ile of Terie: As also, All and Haill the lands and Ile of Guina, the lands of Dorverg of Kiles, the lands of Ardinesover, the lands of Ardneschnether, the lands of Freezland, lying in the Ile of Coyll: And sicklike, All and Haill the four-score six-merk ten-shilling land of Tirie, comprehending the lands after mentioned, *viz.* the lands of Konbeg, the lands of Bellupetris, the lands of Keneway, the lands of Corriebeig, the lands of Corremoir, the lands of Bersteir, the lands of Bellimuling, the lands of Hauch, the lands of Morloss, the lands of Vaill, the lands of Banegoill, the lands of Bernerie, the lands of Hynce, the lands of [Cavolsch], the lands of Suenpelsich, the lands of Haynies, the lands of Kyllin, the lands of Bee, with the pertinents, all lying within the said Ile of Terie: All and Sundrie the fifty-three-merk ten-shilling land of Morvairne, comprehending the particuar lands under written *viz.* the lands of Ardtoreneish, the lands of Segabald, the lands of Mungastill, the lands of Glenores Bastill,<sup>1</sup> the land of Calselloch, the lands of Bauchney, the lands of Kenlochtagus, the lands of Inny-amoir, the lands of Arnabbir, the lands of Barr, the lands of Tangunlay, the lands of [Betet], the lands of Tangheir, the lands of Hainelistill, the lands of Killintach, the lands of Glenbastill, the lands of Drumeraigary, the lands of Fernies, the lands of Carnacalloch, and the lands of Villenterne, the lands of Lagane, the lands of Sallachin, the lands of Finmoir, the lands of Savarie, the lands of Darregrantane, the lands of Auchitarrane, the lands of Newline, the lands of Fenarie, with all and sundry castles, tours, fortalices, mannor-places, houses, biggings, yaerds,

<sup>1</sup> Apparently a mistake for Glen Crippesdale.

orchyards, salmond-fishings and other fishings, milns, multures, woods, outsetts, pairts, pendicles and pertinents thereof whatsomever, lying within the lordship of the Isles, and all lying within the said sherriffdome of Argyll, all unit, annexed and incorporat in an haill and free tenandrie, callit the *Tenandrie of Arroes*; and also, in All and Haill the Kirk-lands after mentionat, *viz.* All and Haill the lands under written, commonlie callit the *twenty-pound land of Rossie*, in the said Isle of Mull, *to wit*, All and Haill the four-pennie land of Sheba, the pennie half-pennie land of Seuir, the four-pennie land of Kilmakewan, the two-pennie land of Serphen, the farding-land of Eddercalloch, the an-pennie land of Tosken, the half-pennie land of Ardcavage, the one-pennie land of Tarraklen, the ane-pennie land of Ardachow, the farden-land of Lewnow, the one-pennie land of Knockasneg, the an-pennie land of Knocktaig-tarloch, the one-pennie land of Traisane, the two-penny land of Ardalleness, the ane-pennie land of Bornis, the ane-pennie land of Teirgaragane, the an-pennie land of Teerkill, the thrie-farding land of Ballemoir, the an-penny land of Salfuer, the an-pennie half-pennie land of Pettie, the an-pennie land of Terchladden, the farden-land of Creuch-inferior, the farden-land of Creuch-superior, the two-pennie land of Ardchanaeg, the two-pennie half-pennie land of Teirgell callit *Callegowane*, the three-pennie half-pennie land of Bonnessan, the two-pennie land of Cunnyngheurd, the two-pennie land of Say, the ane-pennie land of Ajsobel, and the five-pennie land of Ardlunness, lying in Rossie in the said Isle of Mull. As likeways, All and Haill the ane-pennie land of Kirkefubill, the an-pennie land of Kellin, the an-pennie land of Keillormaig, the ane-pennie land of Kilvaraganie, the ane-penny land of Killinyre, the an-pennie land of Kingarura, the thrie-farding land of Kilmorie, the two-pennie land of Keith, the an-pennie land of Thornie, the an-pennie land of Carsaig, the an-pennie land of Skriden and Surd, the an-penny land of Glassvillar and Syald, also lyand in the said Isle of Mull: and sicklyke, All and Haill the Isle of Iona *alias* Icolmkill, with all the houses and others whatsomever



within the samen Ile, pertaining of old to the monastery of Icolmkill : And all and sundrie the lands under written, lying in the said Ile of Terie, *viz.* the six-merk land of Ballefulssie, the six-merk land of Kirkappil, the ane-merk land of Waill, the six-merk land of Kylls, the lands of Kilcannelth, the lands of Kilmanage, the lands of Kisse, the lands of Baw, the lands of Gadd, the lands of Ballimartin, with the pertinents lying in the Fold and <sup>1</sup> Ile of Terie, and the lands of Suy in the said Isle of Mull, and the lands of Portboat in Morvairne ; and all likeways lying within the said sheriffdom of Argyll : And likeways, *in* all and hail the twentie-four-merks five-shilling land of Arrois in Mull, the lands of Oskamull ; the lands of Aramurr, and the lands of Franmore-superior in Scer-valeneil ; all and hail the lands of Broleis ; all and hail the eight-merk land of Ardmenach, all lyand in the said Ile of Mull : All and Hail the lands of Molbowie, lyand in the Ile of Scarba ; and all and hail the lands of Craigaungall, Glenamuch, Ardskalareish, and the lands of Ardveigneis, lyand in the Ile of Jura, with all and sundry houses, biggings, yards, tofts, crofts, mylnes, woods, fishings, annexis, connexis, dependencies, glennings, grassings, sheellings, parts, pendicles and pertinents whatsoever, of all and sundry the lands and others *respective* and particularly above written, all lying within the sheriffdom of Argyll foresaid : Quhilks lands, and others above written, with the pertinents, pertained heretable of before to Sir Allan M'Lean of Dowart, Knight, or umquhil Sir Hector his son <sup>2</sup> ; and were lawfully adjudgit, decerned, and declairit to pertain and belong to the deceased Archibald lait Marques of Argyll, the pursuer's father, in payment and satisfacione to him of the souns of money, principal, expences and annual-rents particularly mentioned in the decreet of adjudicatioun, obtainet at

<sup>1</sup> An obvious mistake. In the Decreet of Removing the words are 'Balle-martin, with the pertinents lying in the *said* Isle of Terie.'

<sup>2</sup> *Son* seems a clerical error for *brother*. Sir Allan succeeded his brother Sir Hector, who was killed at the battle of Inverkeithing in 1651, *vide ante*, p. 247 note.



the instance of the saed deceased Archibald lait Marquis of Argyll, against the saed Sir Allane M'Lean, before the lait pretendet Commissioners for administration of justice, daited the 26th day of February 1659 years, as in the samen decreet at more length is contained ; quhairunto the said pursuer has good and undoubtet right in manner mentionat in the saed instrument of sasine granted to him thereupon, as in the saed instrument at more length is containit ; be verteu whereof, the saed pursuer hes good and undoubted right to the lands and others above written, with ther pertinents, and to the haille maills, fermes, kains, customs, casualties, profitis, and duties thereof, of all yeires and termes bygone since the dait foresaid of the saed adjudication, and in time coming ; and ought and sould be answerit, obeyet and payet thereof : And trew it is that the saed Sir Allan M'Lean, be himself, servants and others in his name, for his use and behove, have intromittet with, upliftit, and receivet fra the tennents and possessors of the lands and others foresaids, the maells, farmes, profitis, and duties thereof, yeirly and ilk yeir since the *daet foresaed of the saed decreet of adjudication*, and so of the cropts and yeers of God following, *viz.* 1659, 60, 61, 62, 63, 64, 65, 66 yeires ; extending the said maills, farms, profitis and duties, to the avails, quantities, and prices particularlie mentionet and set down in the rental thereof ; and this halden as ane pairt of the lybel *brevitatis causa* : And albeit it be of veritie, that the said pursewer hes oft and diverse times requyret and desyrit the said Sir Allan M'Lean, to make payment to him of the maills, fermes, profitis and duties of the lands and others foresaids, yeirly and ilk yeir, the crops and yeirs of God above mentionat, extending to the particular avails and prices thereof therein set down, extending to the avails and pryces thereof, be the space above specified in the haille, to the soume of sixteen thousand eight hundredth four scoir ten pounds thretteen sheillings four-pennies Scots money, yeirly, and in time coming : Not-the-less he wrongouslie refuses, postpones, and defers to doe the same, without he be compellet : And anent the charge given to the said

defender, to have compeerit before the saids Lords at a certain day bygone, to have heard and seen decreet given and pronounced against him in the said matter, in manner under written, as the said summons, act, and letters following and depending thereupon, at more length bears : The said Archibald Earl of Argyll pursuer, compeirand be Sir George Lockhart, Sir Colin Campbell, Mr. George Norvel, Mr. Andrew Bernie, and James Chalmers, Advocates, his procurators ; who produced, in presence of the saids Lords, the decreet of adjudication lybellet, of the dait, tenor, and contents above specified, together with the foresaid rental repeatet as ane part of the lybell *brevitatis causa*, condescending upon the particular lands lybellet, and what the samen payes yeirlye, viz. The said lands of Dowart pays ane hundred threttie-three pounds six shillings eight pennies ; Barnabryane Castle, fifty-three pounds six shilling eight pennies ; Torgormig and Deriguhellan, ane hundredth threttie-three pounds six shilling eight pennies ; Barnabryen, fiftie-three pounds six shillings eight pennies ; Auchnacroishie, eighty pounds ; Tornaskeachbeg, twenty-six pounds thretteen shillings four pennies ; Tornaskeochmore, and Glenacreach, an hundredth threttie-three pounds six shillings eight pennies ; Auchitybeg and Senvallie, fifty-three pounds six shillings eight pennies ; Glennanouchioch, fourty pounds ; Ardingroch, eighty pounds ; Auchnacreg, ane hundredth sixty pounds ; Cantchellen, eighty pounds ; Ardichyle, fourty pounds ; Ardenro, threttie-three pounds six shillings eight pennies ; Glencarriden and Gortenbeg, ane hundredth and sixty pounds ; Clachag, sixty-six pounds thretteen shillings four pennies ; Knoek, sixty-six pounds thretteen shillings four pennies ; Gilsad and Searrasdill, eighty pounds ; Derryquhaick and Orsay, sixty-six pounds thretteen shillings four pennies ; Burg, sixty-six pounds thretteen shillings four pennies ; Arroismoir, eightie pounds ; Derrivieller, sixtie-three pounds six shillings eight pennies ; Blarcarnan, twentie-six pounds thretteen shillings four pennies ; Strone, threttie-three pounds six shillings eight pennies ; Auchatakerran, eightie pounds ; Killiechronan,

eighty pounds; Killenaler, eighty pounds; Leadbeg, twenty-six pounds thretteen shillings four pennies; Leadmoir, eighty pounds; Letterbeg and Lettermore, ane hundredth pounds; Teng, ane hundredth threttie-three pounds six shillings eight pennies; Cranche, fourtie pounds; Kilphuble, fifty-three pounds; Killimore, eighty pounds six shillings eight pennies; Killen, sixty-six pounds thretteen shillings six pennies; Auchacharne, forty pounds; Auchachrenich, threttie-three pounds six shillings eight pennies; Kentalen, ane hundredth and twentie pounds; Arlie, an hundredth pounds; Ardnacrosse, ane hundredth threttie-three pounds; Drumsyne, eighty pounds; Lochnamell and Ballaskait, eighty pounds; Ulva and Lagane, Ulva payes four hundredth sixty-six pounds thretteen shillings four pennies; Gometra payes twa hundredth sixty-six pounds thretteen shillings four pennies; Eskamel, forty pounds; Docharrie, thretty-three pounds six shillings eight pennies; Arrevolchenie, fiftie-three pounds six shillings eight pennies; Glack, Ugarie, twenty-six pounds thretteen shillings four pennies; Tresseneis, twa hundredth sixty-six pounds thretteen shillings four pennies; Morneis, with Peinmoir, ane hundredth threttie-three pounds six shillings eight pennies; Calgarie, ane hundredth and twenty pounds; Frackadill, nyntie-three pounds six shillings eight pennies; Invie, eighty pounds; Arine, an hundredth pounds; Caillich, fifty-three pounds six shillings eight pennies; Lag, fiftie-five pounds; Suniball, sixtie-six pounds thretteen shillings four pennies; Gilchrist, eighty pounds; Sheba, ane hundredth and twentie pounds; Skane, eighty pounds; Kilvickewen, an hundredth threttie-three pounds six shillings eight pennies; Croungart, sixty-six pounds thretteen shillings four pennies; Lie, sixty-six pounds thretteen shillings four pennies; Assaboll, threttie-three pounds six shillings eight pennies; Ardenichtrach, eighty pounds; Ardenwachtrah, eighty pounds; Bonessan, eighty pounds; Sui, fourty pounds; Teirgyle, sixty-six pounds thretteen shillings four pennies; Ardfinnag, ane hundredth twentie pounds; Creigh, threttie-three pounds

six shillings eight pennies; Pottie, fourty pounds; Fedinin, sixty-six pounds thretteen shillings four pennies; Ellenaird, fourty pounds; Knockmoligan, forty-six pounds thretteen shillings four pennies; Knocknity, sixty-six pounds; Tirergan, with Island Calman, ane hundredth and twenty pounds; Ardchalmes, ane hundredth pounds; Peninmore, sixty-six pounds thretteen shillings four pennies; Knockorafinnag, twenty-six pounds thretteen shillings four pennies; Ardacha, threttie-three pounds six shillings eight pennies; Ardacheybeg, threttie-three pounds six shillings eight pennies; Vushin, threttie-three pounds six shillings eight pennies; Serphein, sixty-six pounds thretteen shillings four pennies; Icolumkill, being fifftin-merk land payes yearly seven hundredth merks, — *inde*, four hundredth sixty-six pounds thretteen shillings four pennies; Ardverneis, twa hundredth sixty-six pounds thretteen shillings four pennies; Tornad, eighty pounds; Beachane, an hundredth threttie-three pounds six shillings eight pennies; Auchagavalla, eighty pounds; Lidistill, ane hundredth sixty pounds; Laudile, an hundredth threttie-three pounds six shillings eight pennies; Glenerfusdale, ane hundredth sixty pounds; Balsoy, ane hundredth threttie-three pounds six shillings eight pennies; Kenloch, twelve pounds; Ardenteber, fiftie-three pounds six shillings eight pennies; Bare, ane hundredth sixty pounds; Auchalochrach, forty-six pounds thretteen shillings four pennies; Auloyten and Portvale, ane hundredth seventie-three pounds six shillings eight pennies; Mungastill, ane hundredth threttie-three pounds thretteen shillings four pennies; Drumchoragage, eighty pounds; Fernees, eighty pounds; Karnekellieh, ane hundredth threttie-three pounds six shillings eight pennies; Kilintorie, an hundredth threttie-three pounds six shillings eight pennies; Lagan, ane hundredth and sixtie pounds; Sallachane, ane hundredth and twenty pounds; Finnarie, ane hundredth threttie-three pounds six shillings eight pennies; Savarie, ane hundredth threttie-three pounds six shillings eight pennies; Kill, eighty pounds; Auchacharne, twentie-six pounds thretteen shillings four



pennies; Inimore, three-score six pounds thretteen shillings four pennies; Molbrey, eighty pounds; Kenoirach, ane hundredth and twenty pounds; Ardvegneis, ane hundredth and six pounds thretteen shillings four pennies; the fiftein-merk land in Coil, peyes yearlie three hundredth threttie-three pounds six shillings eight pennies: The just rental of Terrie, is nine thousand merks; *inde*, six thousand pounds. . . .

*(After the usual narrative of the various steps of procedure the Decreet concludes with a decerniture in favour of Argyll.)*

The next move was an action of Removing by Argyll against Sir Alan Maclean and his tutors, and the more important tacksmen on the estates. In this Argyll obtained the Decreet which follows.

### III

#### DECREET of REMOVING, EARL of ARGYLL against M'LEANS, 1673.

AT EDINBURGH, the third day of December, one thousand six hundred and seventy-three years; anent the summonds raised and pursued before the Lords of Council and Session, at the instance of Archibald Earl of Argyll, Lord Kintyre, Campbell and Lorn, *against* Sir Allane M'Laine of Dowart, Mr. Hector M'Laine in Auchnacroich, Neill M'Donald in Glennan, John M'Donald there, Finlaye M'Donald vic Ean there, Malcolme M'Fadzen in Auchtabeg, John M'Donald vic Ean there, Donald M'Ean vic Donochie in Tourreasceachs, John M'Neill vic Ean there, Donald Glass M'Allans eandu *alias* M'Laine in Tormagag, Duncan M'Ean vic William in Cuilhelis, Donald M'Ildonich there, Donald M'Donald vic Ean there, Hugh *alias* Euine M'Innes vic Ean there, John M'Donachieoig in Ardnadrocht, Lachlane M'Laine tacksmen of the lands of Moreneish, M'Laine there, Mildonich M'Ilmanus in Penniemore, and Frigadail, John and Donald M'Gouries, tacksmen of Ulva and Logan, and Hugh M'Laine in Lagan,



Eachine M'Ewin vic Eachin in Kainburg, Lachlane M'Laine fear of Torloisk, Hector M'Laine in Tanzie and Strone, Donald M'Neill M'Donald in Ballanachian, John M'Lain in Killmoir, John Durock, M'Eandonie M'Ean in Darribalg, Lachlane M'Lean and Malcolm Neill *in Arrois*, Donald M'Laine in Ardtoiniss, Allen M'Laine in Mungastill, Allan M'Lean in Glencrubastill, Dougall M'Lauchlan in Camishallock, Charles M'Lean in Ardintibert, Hector M'Laine in Drumeraigag, Ewin Cameron tenant of Oscamull and Gometra, *Lachlane M'Laine of Brolos*, Charles M'Sochan in , Donald vic Allean vic Ean in Barr, Charles M'Ean vic Allister in Ulvaill, Donald M'Lain in Barr, Lachlane M'Lean in Sallachir, Donald M'Neill M'Donald in Ballanachean: MAKAND MENTION, That wher upon the seventein and eighteen days of November, one thousand six hundred and three score and four yeares, the said persewar was duellie and heritable infest and seased in all and haill the lands under written, *to wit*, In all and haill the lands and baronie of Dowart, containing the lands and others after specified. . . .

*(Here follow the names of the lands as in the previous Decreet, and it has been thought unnecessary to print them again.)*

Next came a Horning against the same people, which was in its turn followed by Letters of Caption authorising their arrest as rebels duly put to the Horn. Of the same date as the Letters of Caption (25th July 1674), Letters of Ejection were also issued, directing the sheriff to remove the defenders from the lands. As might have been expected the messengers-at-arms found it impossible to execute the Caption, and, in technical language, were deforced, as the next document shows.

#### IV

#### EXECUTIONS of DEFORCEMENT, 1674.

Wron the seventeine day of August, 1674 years, I Angus Campbell messenger, and ane of the sheriffs in that pairt speciallic within constitute, past, at command of our

Soveraigne Lords, letters of captione within wrytten, raised at the instance of the within nameit Archibald Earle of Argyll; and be verteu thereof, in his Majestie's name and authority, commanded and cherged Duncan Clark and Archibald Turnor, messengers at arms, to pass, search, seik, take, and apprehend the haill persones, rebels within designed, wherever they can be apprehended, within three dayes next after my charge; and made certification, as is within mentioned. And this I did, after the forme and tenor of the said within-wrytten letters in all points, before thir witnesses, Alexander Campbell in Kilmore, and Donald Campbell of Scamadill. And for the mair verifcatione hereof, to this my executione and indorsatione, subscribed with my hand, my stampt is affixt.

*(Sic subscribitur)*

(Signed)

A. CAMPBELL, *Mess.*

Wpon the twentie-ane day of the monneth of August, the yeir of God 1674 yeires, We Duncan Clark and Archibald Turnor, messengers and sherreffs in that pairt specially within constitute, past, at command of the charge given to ws be verteu of our soveraigne Lords, letters of captione, raiseit at the instance of the within-nameit Archibald Earle of Argyll, to the yeatts of Dowart, to have searched, taken, and apprehended John M'Quarrie in Laggan, Hew M'Laine there, Lawchlane M'Laine in Broloss, Neill M'Ean vic Earg in Dowart, Lawchlane M'Laine, and Malcolme M'Neil in Aross, John M'Shirie in Dowart, M'Hearliety vic Each in Ober, with diverse others his Majestie's rebels, being within the said howse for the tyme: And because we could not get patent entrie to the said howse, we made use of his Majestie's kies, by stricking at the yeatts and doors thereof with hammers; whereupon the said John M'Quarrie, and remanent persons foresaids, most violently resisted and deforced ws in the execution of our offices, by firing and shooting at ws with guns and hagbutts, to the number of ten or elleavine

shots ; upon committing of the whilk ryott and deforcement, we required witnesses, took instruments, protested for remeid of law ; and broke our wands of peace. And this we did before thir witnesses, Ensigne Robert Middletown, Captain of his Majestie's pairtie now in Mull ; Robert Comester, Arthowr Robertstone, David Bissott, and Hector M'Laine, souldiers in the said pairtie, with diverse others. And for the mair verificatione hereof, to this our executione and indorsation, we have subscryvit thir presents with our hands, our stamp is affixt.

*(Sic subscribitur)*

DUN. CLARK, *Mess.*

ARCHIBALD TURNOR, *Mess.*

This defiance of the law was at once followed on 2nd September 1674 by the issue of Letters of Treason (No. v.) (directed, it will be observed, not to messengers-at-arms but to Lyon and his brother heralds) and Letters of Intercommuning (No. vi.), as well as by a Commission of Fire and Sword (No. vii.). These are printed in their order, and along with the Act of Adjournal (No. xii.) give a most graphic account of the private war that was going on in Mull. The sending out of fiery crosses, the plaids thrown off, the use of 'the King's Keys,' and many other items deserve to be noted.

## V

### LETTERS of TREASON, 1674.

CHARLES, be the grace of God, King of Great Britain, France and Ireland, defender of the faith : To our Lyon King at Arms, or his brethren Heralds, our Sheriffes in that part, conjunctly and severally, specially constitute, Greeting : FORASMUCHAS it being represented to the Lords of our Privy Council, by a petition presented by our right trusty and well-beloved cousin and counsellor Archibald Earl of Argyll, That where the Lords of our Privy Council, by their act and warrand bearing date the 23d day of July 1674, upon information that there were several

persons deficient in cess and excyse, and other public dues within the shire of Argyll, and specially in the division of Mull, and did ordain and command the Commissioners of Excyse to meet and state the accompts of the deficiencie, and give furth their decreits and precepts for poynding : and required the said Earl of Argyll, as Sheriff-principal, and his deputes, to concur in executing of the said decreits, and, if neid were, to make use of the militia and others for assisting the said execution : As also, the said Lords, by another act and warrand bearing date the 25th day of June 1674, proceeding upon the petition of Captain Middletoun, did ordain the Commissioners of Excise within the said shire of Argyll, to state the accompts of the dues payable to the Captaine and his party ; and that the said Earl as Sheriff-principal, and his deputes, upon address by the said Captain, should proceed to give decret and sentence against the persons lyable for the samine dues, and to see the decreits and precepts put to execution ; and for that effect, if neid were, to make use of the militia forces. Conform to which act of our Council, and in obedience thereunto, the Commissioners of Excyse of the said shire did meit and state the accompts of the deficiencie of public dues, as also the dues payable to Captain Midltoun and his partie ; and furthwith decreits were recovered before the said Earl and his deputes, and precepts duly raised and execute thereupon : As likewayes, the said Earl of Argyll having an unquestionable right to the lands and baronie of Dowart, and having obtained decreits of maills and duties, and removing, before the Lords of our Session, against the tenants and possessors of the said lands, he did raise letters of ejection upon the saids decreits ; and besydes, the said Earl being forced, as Sheriff, to make payment, at least give security to our Exchequer, for the whole feu-duties due and payable to us within the sheriffdome of Argyll, the Lords of our Exchequer did grant, as use is, letters of relieffe ; whereupon the said Earl did raise caption against the tenants and possessors of the lands of Dowart and others, and likewayes hes another caption raised upon the decret of



removing : And the said Earle, in obedience to the said acts of our Privy Council, as likewayes for the executing of our lawes, in uplifting and raising the publick dues for our interest, and the dues due to Captain Midltoun and his partie, and in executing the letters of ejection and several captions for his ounce interes, having caused the Sheriff-deputt of the shyre of Argyll, Duncan Clerk and Archibald Turnor, messengers at arms, repair to the house of Dowart upon the 21st day of August last ; and having required John M'Warie, and remanent persons within the house of Dowart, to make the doors and gates open and patent, they in high contempt of our authority and lawes, did forceably and violently refuse and resist, they having garrisoned the house, and having fyred several guns and hagbuts from the house of Dowart, upon the Sheriff-deputt and his assistantes, as likewayes did deforce the Sheriff-deputt and messengers in execution of the foresaids captiones ; and at the same time, the better to strethen [*sic*], encourage, and fortiffie these within the house of Dowart in their rebellious opposition,

M'Laine of Brolois, and his complices, to the number of seven score armed men, armed with fyrelocks, swords and targets, in a posture ready to feight, with their plaids throwne from them, standing and drawne up hard by the house of Dowart, for the assistance of these within the house, and in readiness to oppose the execution of our lawes ; and who did boldly and insolently intimat and signifie so much to Captain Midltoun and his partie ; and the truth whereof is evident by a missive letter written by the said M'Lean of Brolois, to Lochnell, wherein he assures, that upon the least attaq, and putting our lawes to execution, they would meit with resistance to blood : Lykeas, the said Earl being warranted by act of our Privy Council to call for the militia-arnes, and having required M'Lean of Brolois to delyver up the same, as also to subserbye the bond of peace, and to obey the letters of ejection, and to concurr as one of the captaines of the militia in poynding for our publick dues, all which, as appears by instruments produced to our saids Lords, was



refused by the said M'Laine of Brolois : And seeing the said violence, deforcement, and resistance, does not only concern the said Earle of Argyll as to his private right and interest, but more particularly us as to our interest of publick dues, and most especially as to the vindication of our authority, and the vigour and authority of our lawes, and the publick peace and quyet of the kingdom ; and that the said violence, force, and resistance, is not the caice of any private ryot or violence that was occasional, but, on the contrair, was a designed and resolved opposition, and has proceidit to the height of a rebellious resistance, by garrisoning of the house of Dowart, and by levyng and keiping of men in armes by the space of several months, and, as the said Earl is informed, have lately seized upon some of our peaceable subjects, and keepes them as prisoners,—all which can be fully cleared and made appear to our Privy Council by persons above exception : And in regard in caices of such public resistance, the lawes of this kingdome does allow and requyre extraordinary remedies, which the Lords of our Council may and ought to apply, for preventing of these inevitable consequences that behoved to ensue from armed opposition against our lawes, and which is not to be considered as the caice and interest of any private subject, but as a publick concerne, that tends to the ruin and subversion of our lawes, and of the tranquillity and security of our subjects under the protection of the same ; and therefore, humbly supplicating that the Council would take tryal and inquirie as to the truth of what is represented, and to apply such proper and necessar remedies as the extreamity and exigence of so bold and insolent ane resistance calls for and requires, that the execution of our lawes may be preserved, and our authority vindicated ; that all men may be secure under the protection of the same, and that such bold and armed opposition against our authority and interest may not run to the height of an open rebellion. Which petition being by the Lords of our Privy Council remitted to a committee of their oune number, and the said committee having met and considered the said petition, and perused

the same, with the instructiones therof, they did give in their report, that they find what is represented by the said Earl of Argyll in the said petition, to be of truth, and sufficiently instructed, *to wit*, That decreits were recovered before the Sherriff of Argyll and his deputes, against the heretors and possessors of the lands of Dowart, for our publick dues, and cess and excise, as lykewayes for the dues of Captain Middletoun's partie, and upon which there was precepts duely raised : As also, that the Earl has recovered decreites for mails and duties, and of removing, against the tenants and possessors of the lands of Dowart, and raised letters of caption, and letters of ejection upon the said decreits ; as lykewayes, had an caption against the saids possessors, upon letters of releiffe, granted to the said Earl by the Lords of Exchequer ; and the Earl as Sheriffe-principal of the shyre of Argyll, being required by two acts of the Lords of our Privy Council, the one bearing date the 25th of Junc, and the other the 23d of July 1674, to concurr in the execution of the decreits and precepts that should be recovered for our publick dues, and the dues of Captain Midletoun and his partie ; and the Sheriff-depute of Argyll, and messengers at arms, and several others their assistants, having assayed to execute the saids decreits and precepts, by poinding for our dues ; as also, to execute the letters of ejection and caption, raised at the Earle's owne instancee ; John M'Warie, and remanent persons within the house of Dowart, upon the 21st day of August last, did, in high contempt of our laws and authority, deforce, and violently resist the Sheriff-depute and his assistants, and did keep out the house of Dowart as ane garrison, and fyred several guns and hagbuts from the said house, upon the Sheriff-depute and his assistants ; and that at the same time, M'Lean of Brolois, and his complices, to the number of seven score armed men, were drawn up in ane military posture, with their plaids thrown from them, hard by the house of Dowart, for the assistance of those within the house, and which they did boldly intimat to Captain Middletoun and his partie ; and the said M'Lean of Brolois, by ane letter

under his hand, direct to Lochnell assures they would meet with resistance to blood : And farther, that the said M'Lean of Brolois did shift to deliver up to the said Earle of Argyll, the militia-arnes or to subscryve the bond of peace, or to concurr as one of the captains of the militia, with the poinding for our publick dues, as was appointed by act of our Privy Council. In regard of which insolent and armed opposition against our authority, and the execution of the publick lawes ; the said committee did offer it, as their humble opinion, that the Lords of our Council would command an Herald furthwith to repair to the house of Dowart, and there require the said John M'Warie, and his accomplices within the said house, in our name, to surrender and deliver up the same, within a certain short space, under the pain of Treason ; as also, to require the said M'Lean of Brolois, and his complices, in our name, furthwith to lay down their armes, and retir, and separat themselves, under the samine paine of Treason ; with certification, they shall be called, persewed, and demained as traitors : And in regard the saids persones have been conveyned before the said Earle of Argyll as Justice-General of Argyll and the Isles, and his depute, for the saids crimes, denounced fugetives for not compear-ing, and registrate at our home, THAT commission of Fire and Sword should be granted against them, as is usual in like cases. THE LORDS of our Privy Council having heard and considered the foresaid petition and report of the said committee, to whom the consideration thereof was remitted, HAVE, by their act of the date of thir presents, ORDAINED thir our letters to be direct in manner under written. OUR WILL IS HEREFOR, and we charge you strictly, and command, That, incontinent thir our letters seen, ye pass to the house of Dowart, with our coat of armes displayed, and thereat, in our name and authority, command and charge the said John M'Warie, and the remanent persons who hold and keep out the said house of Dowart by force of armes contrair to our authority, to deliver up the keys and possession thereof to you our said Lyon or Herauld ; and also, that ye command and charge

the said M'Lean of Brolois, and his complices, to lay down their armes, and to retein, and separat themselves within six hours next after they be charged by you thereto, under the pain of High Treason; with certification, if they faillie, they shall be called, accused, persewed, and detained as traitors. According to justice, as ye will answer to us thereupon. The whilk to do, we committ to you, conjunctly and severally, our full power by these our letters, delivering them, by you, duly execut and indorsed again to the bearer. Given under our signet at Edinburgh, the 2d day of September, and of our reigne the 26th year 1674.

*Per actum Dominorum Secreti Concilii.*

(Signed) AL. GIBSONE.

## VI

### LETTERS of INTERCOMMUNING, 1674.

CHARLES, by the grace of God, King of Great Britain, France and Ireland, defender of the faith: To our Lovites,  
messengers, our Sherriffs in that part, conjunctly and severally, specially constitute, and to all and sundry our leidges and subjects whom it effeirs, greeting: FORASMUCHAS We, and the Lords of our Privy Council, are informed, That upon the 29th day of August last bypast, the persons under written, *viz.* John M'Quarrie in Lagan, Hugh MacLean there, Lauchlan M'Lean in Brolois, Neil M'Ean vic Eachine in Dowart, John M'Shirie there, Neil M'Ean vic Neil alias MacLean, and Lauchlan M'Lean in Arrois, Malcolm M'Neill, and M'Charles vic Eachin oir, John M'Condochy oig in Ardnarochit, Lauchlan M'Charles vic Ean duei in Auchnacraig, Neil M'Donald in Glenan, Malcolm M'Neil M'Donald, and Finlay M'Neill M'Donald there, Lauchlan M'Martine in Ormsaig, Patrick M'Neill woy [*sic*] pyper, and John M'William, were orderly denounced our rebels, and put to our horne, by vertue of



letters of denunciation, raised, used, and execute at the instance of Duncan Clerk and Donald M'Kellar messengers, and Duncan Fisher procurator-fiscal, for our interest, against them, for their not compearing personally within the tolbuith of the burgh of Inveraray, upon the 29th day of August last, before Neel Campbell of Duntroon, Justice-depute of the sherriffdom of Argyll, to our right trusty and weel-beloved cousin and counsellor Archibald Earl of Argyll, heretable Justice-General of the said shire, and isles thereof, as they who were lawfully cited upon the 12th day of the said month of August, to have compeared the said day and place, and to have found sufficient caution acted in the books of adjornall of Argyll, to have underlyin our laws, for their convocating themselves together with the number of fiftie or sixty armed men in and about the house of Dowart in July last, and formallie garrisoning the same, and treating for securing the house of Dowart against the execution of our laws, and lifting, raising, and plundering several quantitys of cowes from the country; for providing thereof, and hindering and impeding a partie, which lies there for our dues, to enter the said house; as also, for the fore-named persons their resisting the saids messengers and partie, who, by vertue of letters of caption for payment of our publick dues, and letters of ejection foundit upon decreets of removing against them, went upon the 10th day of the said month of August, with the Sherriff-depute of Argyll, to the said house of Dowart, for executing the saids letters, conform to an act of our Privy Council, and for threatening and menacing them with bendit gunes and hagbuts, so that they forced them to returne in manner at length specified in the criminal letters raised thereanent, as the said letters of denunciation, duly execute and registrate in the books of adjornall of the said shyre of Argyll, conforme to the act of Parliament produced in presence of our Privy Council, bears; at the process of which horne the fore-named persons lies and remains, taking no regard thereof, nor of our authority and laws, and are fostered in their rebellion, by the resett, supply, and intercommuning which they have with several of their



friends and acquaintances, to the high contempt of our authority and laws. **OUR WILL IS HEREFORÉ**, and we charge you strictly, and command, That incontinent, thir our letters seen, ye pass to the mercate crosses of

and other places needful, and thereat, in our name and authority, command and charge all and sundry our leidges and subjects, that they, nor none of them, presume nor take upon hand to resett, supply, or intercommon with our saids rebels, nor furnish them with meat, drink, house, harbour, powder, bullits, armour, victual, boats, vessels, nor no other thing comfortable to them, nor receive their goods in keeping, nor transport them to nor frae ferries, nor have any intelligence with them by word, writt or message, under the pain to be put and esteemed airt and pairt with them in all their wicked deeds and practices, and punished with all rigor, to the terror of others, according to justice, as ye will answer to us thereupon. The whilk to do, we committ to you, conjunctly and severally, our full power by these our letters, delivering them, by you duely execute and indorsed, again to the bearer. Given under our signet at Edinburgh, the 2d day of September, and in our reign the 26th year, 1674.

*Per decretum Dominorum concilii.*

(Signed) AL. GIBSONE.

## VII

### COMMISSION of FIRE and SWORD, 1674.

CHARLES, be the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith : To our lovitts messengers, our Shirreffs in that part, conjunctly and severally, specially constitute, greeting : **FORASMUCHAS** We and the Lords of our Privy Council are informed, That upon the twenty-ninth day of August last bypast, the persons under written *viz.* John M'Quarrie in Lagan, Hugh M'Laine there, Lauch-

lane M'Laine in Brolois, Neil M'Ean vic Eachene in Dowart, John M'Sherrie there, Neal M'Ean vic Neill *alias* M'Claine, and Lachlan M'Claine in Arrois, Malcolm M'Neil, and M'Charles vic Eachin vic John M'Coudachie vig in Ardnadrochit, Lachlan M'Charles vic Ean dui in Auchnacraig, Neill M'Donald in Clenan, Malcolm M'Neill M'Donald, and Finlay M'Neill M'Donald there, Lauchlan M'Martine in Ormsaig, Patrick M'Neil roy pyper, and John M'William, were orderly denounced our rebels, and put to our home by virtue of letters of denunciation, raised, used, and execute at the instance of Duncan Clerk and Donald M'Kellar messengers, and Duncan Fisher procurator-fiscale, for our interest, against them, for their not compearing personally within the tolbooth of the burgh of Inveraray, upon the 29th of August last, before Neill Campbell of Duntroon, Justice-depute of the sherriffdom of Argyll, to our right trusty and well-beloved cousin and counsellor Archibald Earl of Argyll, heretable Justice-General of the said shires and isles thereof; as they who were lawfully cited upon the twelfth day of the said month of August, to have compeared the said day and place, to have found sufficient caution acted in the books of adjournall of Argyll, to have underlyen our laws, for their convocating together with the number of fifty or sixty armed men, in and about the house of Dowart in July last, and formally garrisoning the same, and treating for securing the house of Dowart against the execution of our laws, and lifting, raising, and plundering several quantitys of cows from the country; for providing thereof, and hindering and impeding a party, which lyes for our dues, to enter the said house; as also, for the fore-named persons their resisting the saids messengers and party, who, by virtue of letters of caption for payment of our publick dues; and letters of ejection, founded upon diverse decreets of removing against them, went upon the tenth day of the same month of August, with the sheriff-depute of Argyll, to the said house of Dowart, for executing the saids letters, conform to an act of our Privy Council; and for threatening and menacing them with bended guns

and hagbuts, so that they forced them to return in manner at length specified in the criminal letters raised thereanent, and the saids letters of denunciation, duely execute and registrate in the books of adjournall of the said shire of Argyll, produced in presence of our Privy-Councill, bears ; at the process of which horne, the fore-named persons most proudly and contemptuously lyes and remains, taking no regard thereof, nor of our authority and laws, but, in contempt of the same, haunts, frequents, and repairs to all places within this our realme, as if they were our free leiges : WE therefore, with advice of the Lords of our Privy Council, have made and constitute, and hereby makes and constitutes the Lord Neill Campbell, the Laird of Glenurchy younger, Sir Hugh Campbell of Calder, Colin Campbell younger of Ardkinglas, Donald Campbell of Barbreck, Alexander Campbell of Lochnell,

Stewart of Appene, M'Laine of Lochbuy,  
M'Laine of Ardgour, M'Lean of Kend-  
lochalen, M'Lean of Torloish, the Captain of

Clanronald, and Cameron of Lochiel, our Commissioners in that part, to the effect after specified, givand, grantand, and committand to them, conjunctly and severally, our full power, authority and commission, express bidding and charge, to convocate our leidges in arms, and to pass, search, seek, take, and apprehend ; and in case of resistance, or hostile opposition, to pursue to the death, the saids John M'Quarrie, Hugh and Lachlan M'Laines, Neill M'Ean vic Eachen, John MacSeherie, Neill M'Ean vic Neil *alias* M'Clean, Lauchlan M'Lean, Malcolm M'Neill M'Charles vic Eachen our.

John M'Condachy oig, Lauchlan M'Charles M'Ean duic, Neill M'Donald, Malcolm M'Neill vic Donald, Finlay M'Neill vic Donald, Lachlan M'Martine, Patrick M'Neill roy, and John M'William, our rebels, for the cause fore-said ; and if, for their defence, they shall happen to flie to strengthes and houses, in that case we, with advice of the Lords of our Privy Council, give full power and commission to our said Commissioners, conjunctly and severally, as said is, to pass, persue, and assege the said strengthes ;

raise fire, and use all kind of force and warlike engines, for winning and recovery thereof, and apprehending our said rebels, and their complices being thereintill; and if in pursuit of the said rebels, and their complices (they resisting to be taken, or assedging the saids strengths or houses), there shall happen fire-raising, mutilation, slaughter, destruction of corns or goods or other inconveniences to follow, We, with advice foresaid, will and grant, and for us and our successors decern and ordain, that the same shall not be impute as cryme or offence to our said Commissioners, nor to the persons assisting them in the execution of this our Commission; with power to our said commissioners, or such as shall be convocat by them, to bear, wear, and make use of hagbuts and pistolls in the execution of this our commission, notwithstanding of any law to the contrair: AND FURDER, We do hereby take our saids Commissioners, and such persons as shall assist them in the execution of this our commission, under our speciall protection and safeguard; and this our commission to continue and endure for the space of ane year after the date hereof: Providing always, That our saids Commissioners give ane accompt to us of their diligence and procedure therein, betwixt and the tenth day of November next to come. **OUR WILL IS HEREFOR**, and we charge you strictly, and command, that incontinent thir our letters seen, ye pass to the mercate crosses of

and other places needful, and thereat, in our name and authority, command and charge all and sundry our good and loving subjects, in their most substantial and warlick manner, to rise, concurr with, fortifie, and assist our saids Commissioners in the execution of this our commission, under all highest pains and charge that after may follow. Given under our signet at Edinburgh, the second day of September, and of our reign the twenty-sixth year, 1674.

*(Sic subscribitur)*

ROTHES, *Cancell.*

ATHOLL,	DOUGLAS,	MAR,
MORTONE,	KELLIE,	CAITHNESS,
LINLITHGOW,	WIGTOUNE,	WEMYSS.



An attempt at a settlement seems to have been at once made. For on 18th September certain articles of agreement (No. viii.) were entered into at Moy—apparently the stronghold of Lochbuy.

In connection with this settlement the following rental (No. ix.) and account of the intromissions of Maclean of Brolos (No. x.) seem to have been adjusted.

### VIII

**ARTICLES OF AGREEMENT** BETWIXT the LAIRD OF GLENURCHY and the LAIRD OF LOCHNELL, for and in name and behalf of the EARL OF ARGYLL; AND LAUHLAN M'LEAN of Brolose, for himself, and in name and behalf of the rest of the name of M'LEAN, and others who has appeared with him in armes, or who are contained in the Letters of Intercommuning and Letters of Treason, and against whom there is a Commission of Fire and Sword.

1mo, IT IS AGREED, That the house of Dowart shall be given up and delivered to the Laird of Glenurchy, or any whom the Earl of Argyll shall appoint, before eight of the clock this night, or so soon as Glenurchy or Lochnell calls for it.

2do, That Lauchlan M'Lean of Brolose, and all his party, shall immediately lay down armes and disband, and give their engagement to live peaceably.

3tio, That all others of the name of M'Lean, who has been, or are in armes, shall disband, and lay down their armes immediately, and give engagement to live peaceably.

4to, That all gentlemen and tenants who are living upon the estate of Dowart, compear before the Earl of Argyll, or any whom he shall appoint, at any time he pleases to call for them, and disband, disown, and renounce what tacks they had of the late Sir Allan M'Lean of Dowart, or any others his predecessors; and that they *acknowledge the Earl of Argyll's right* in so far as they are concerned, according to the advice of Lawyers.

5to, It is agreed, That immediately upon performance



of the above-written articles, the Earl of Argyll is hereby obliged to *settle the twenty-pound* land of *Brolose*, Grinbone, and Ardmonauch, *in woodset*, to the said Lauchlan M'Lean, redeemable upon payment of twenty thousand pounds Scots; and the right to contain a clause of Brolose and his tenants their living peaceably, and that they shall be *faithful followers of the Earl of Argyll and his successors*; and the right to be warrandit from the Earl and his predecessors their own proper facts and deeds allenary; which rights are to be granted be advise of Lawyers on both sides, in such manner as the same may not prejudice the Earl as to his right of the rest of the estate of Dowart, and Brolose to be secured in manner foresaid.

6to, That upon the performance of the first four articles above written, the Earl of Argyll, be virtue of the Act of Council, sall pardon and indemnify the said Lauchlan M'Lean of Brolose, and all others whom he shall give up in a subscribed list, for keeping out the house of Dowart, deforcing of messengers, opposing of letters of ejection, firing att the Sheriff-depute and his partie, and convocating of the leidges, and all other acts of hostility and illegall acts committed by them, and comprehended in the acts of intercomoning, commission of fire and sword, and letters of treason; and that the persons above written be discharged of any captions raised against them upon the fore-said account, and for disobeying the charges of removing; and in case any of their escheats be bought upon the said account, the same is to be discharged, or assigned, as they shall think fit.

7mo, That Brolose be discharged of what cows or rents he has intromitted with since M'Lean's death, and expendit upon M'Lean's funeral, and upon maintaining of the house of Dowart; which cows is to be by him instructed to have been uplifted.

8vo, That all the tenants liveing upon the estate of Dowart be discharged of whatsoever rents they have paid to the late Sir Allan M'Lean, or any having his order; as likeways, that they be discharged of all public dues and deficiency that they have already paid.

9no, That such of the tenants and kindly possessors as takes land of the Earl of Argyll, and oblige themselves to live peaceably, and be servants and followers to him and his family, be received into his Lordship's protection, and be accepted kindly of by him : That the Earl of Argyll require any whom he sall employ to have charge of the house of Dowart, and of the country, that they use all such as live peaceably in a friendly manner and civilly ; and that no prejudice be done to them in their persons and goods, but according to law.

Which Articles of Agreement above written are to be fulfilled by both parties in ample forme, and in the mean time to be obligatory betwixt and the first of December next, under the pain of two thousand merks, to be paid by the partie faillier to the party observing or willing to observe the premisses, and that attour performance of the same. In witness whereof, these presents are subscribed at Moy the eighteenth day of September one thousand six hundred and seventy-four years, before these witnesses *respective* : To the subscription of the said Lauchlan M'Lean of Brolose, and the said Lairds of Glenurchy and Lochnell, James Campbell of Glenderuell, Lauchlan M'Leand fiar of Torloisk, John Campbell fiar of Inverzeldies, and Colin Campbell writer hereof ; and to the subscription of the said Earl, Ewan Cameron of Lochzeil, Duncan Stewart of Appine, and Robert Campbell of Glenlyon. (*Sic subscribitur*) *Argyle, M'Lean of Brolose, A. Lochinell, Jo. Glenurchy, etc.*

## IX

## RENTAL, 1674.

FOLLOWS the Rental of the lands and estate of Dowart, as the same was set, and should pay, for the year of God 1674 years.<sup>1</sup>

## ARROSS.

5d. Land. ARDNACROISH, Lochnamial, Drum-	£	s.	d.
syne, and Balliskait, possest be			
Charles M'Lean, and pays of			
money-rent without casualties	266	13	4

<sup>1</sup> Brolos is not included. *Vide post*, p. 314.

	But he alledges, be his tack frae M'Lean, tha the hes an hundreth merks deduced.	£ s. d.
2d.	Arlive and Strone pays no rent this year, being under goods belonging to M'Lean's son, at the said Charles his trust; and the goods thereon are declared to be about three or four scoir of kowes, which, with the increase, the said Charles is to make furthcoming to the said child's behove.	
1½d.	Kenlalein, possessed be tenants, and pays of money . . . .	90 0 0
	And the casualties of a penny-land, viz. four quarts butter, four stanes cheese, four wedders, four stanes victual.	
1d.	Arrosmoir, wast.	
1d.	Kilnaleyn, wast.	
1½d.	Deerveilteir, Blaercharnane, and Laidbeg, possest be Donald M'Lean, son to Charles M'Lean, and pays only this yeir . . .	40 0 0
1d.	Leidmore, wast.	
1½d.	Lettermoir and Letterbeg, at present wast, and was possest be John M'Neill.	
2½d.	Teanga, wast.	
1d.	Cramich, wast.	
2d.	Auchatashenag and Keelchronan, wast.	
1d.	Kilphubili, wast.	
1d.	Keallin, possest be Torloisk, and pays of money . . . .	66 13 4
1d.	Keillemore, possest be John Roy M'Lean, and pays . . . .	66 13 4
	And the casualties.	

2½d.	Auchachorine and Auchananich, possest be old Torloisk, and pays only . . . . .	£ s. d. 53 6 8
	Corkamull, possest be old Torloisk, and pays . . . . .	
	<i>Summa</i> Arrois, money-rent	£583 6 8
	<i>Summa</i> casualties : Of butter 8 quarts, of cheese 8 stone, of wedders 8, of meal 8 stone.	

## MORRENEISH.

2d. Land.	CALGORIE and FLADD, possessed be Lauchlan MacCharles, and payes . . . . .	£ s. d. 100 0 0
1½d.	Frackadill, possessed be the said Lauchlan, and pays this yeir, of monie-rent, only . . . . .	40 0 0
	Innevea wast, except the third pairt of which pays . . . . .	28 13 4
	And the casualties of a fairling land and a halfe.	
1½d.	Arreyne, possest be Donald Glass, and pretends to have a wadsett of £1000 thereupon from Sir Lauchlan, and pays nothing.	
1d.	Coulloch, possest be the said Lauch- lan, and pays only . . . . .	33 6 8
1d.	Lag, wast.	
1d.	Sunniboil, possest by Donald M'Ol- loine c Mousie M'Ewn Dowie, for service.	
1d.	Kilchreist, possest by tenants, viz. the thre-part thereof, and pays	50 0 0
	And Casualties of three-part.	
1½d.	Peinmore and Aird, possest be Mel- denich M'Muns, and pays . . . . .	100 0 0
	With the casualties of a penny-land.	

1½d.	Deucharran, wast.	£	s.	d.
1½d.	Arrevolcheyn, possest be Donald M'Allan <i>ve</i> Lauchlan, and pays of money . . . . .	40	0	0
	With the casualties of half a penny- land.			
	Glaikiegarrie, possest be Charles M'Lauchlan <i>ve</i> Ean, and pays .	20	0	0
	With the casualties of a feorling.			
1d.	Phanmoir, possest be the harper, and pretends kyndnes thereto for his service, and pays noth- ing.			
6d.	Fresheneish, possest be Hector M'Ewin <i>ve</i> Ean, and pays .	266	13	4
5d.	Gometra and Oskamul, possest be Hector MacQuorrie pays only	200	0	0
16d.	Ulva, possest be M'Quorrie, pays only . . . . .	466	13	4
<hr/>				
	<i>Summa</i> silver-rent, Morinish, Fresh- eneish, Gometra, and Ulva, ex- tends to . . . . .	£1345	6	8

With the casualties of four-penny, ane feorling, ane half-feorling land, extending to 4 quarts of butter, 4 stane of cheese, 4 wedders, and 4 stane of meal, upon ilk pennie-land. *Inde*, in the haill of butter, 19 quarts 1 pynt, of cheese 19 stane ½, of wedders 19½, of meal 19 stane and ½.

#### The LANDS of ROSS.

1½d.	Land. SHEBA, possest be John M'Echin <i>ve</i> Ewn, and pays . . . . .	£	s.	d.
		66	13	4
½d.	Scour, possest be Duncan and Hew M'Ilvrays, and pays of money	30	0	0
	Of butter 1 quart, of cheese 1 stane, of wedders 1, of victual 1 stane.			
2d.	Kilvickewn, possest be tenants, and pays, of money . . . . .	93	6	8



		£	s.	d.
	Of butter 4 quarts, of cheese 4 stane, of wedders 4, of victual 4 stane.			
1d.	Seirpheyne, possess be tenants, and pays, of money . . . . .	75	6	8
	Of butter 4 quarts, of cheese 4 stane, of wedders 4, of victual 4 stane.			
$\frac{1}{2}$ d.	Uskeyne, possess be tenants, and pays, of money . . . . .	28	0	0
	Of butter 3 pynts, of cheese 1 h. stane, of wedders 1 h., of vic- tual 1 h. stane.			
$\frac{1}{2}$ d.	Ardehivag, possess be tenants, and pays, of money . . . . .	30	0	0
	Of butter 3 chopins, of cheese 12 lib., of wedders 3 quarters, of victual 3 quarters.			
$\frac{1}{2}$ d.	Ardachie, possess be tenants, and pays, of money . . . . .	40	0	0
	Of butter 1 quart, of cheese 1 stane, of wedders 1, of victual 1 stone.			
$1\frac{1}{2}$ d.	Ardellancish, a penny thereof pos- sess, and pays, of money . . . . .	80	0	0
	Of butter 3 quarts, of cheese, 3 stone, of wedders 3, of victual 3 stone.			
$1\frac{1}{2}$ d.	Turrgan, possess be tenants, and pays, of money . . . . .	73	6	0
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
$\frac{1}{2}$ d.	Fiddin, possess be tenants, and pays . . . . .	20	0	0
	Of butter 1 quart, of cheese 1 stone, of wedders 1, of victual 1 stone.			
$\frac{1}{2}$ d.	Salchur, possess be tenants, and pays . . . . .	16	0	0

	Of butter 1 quart, of cheese 1 stone, of wedders 1, of victual 1 stone.	£	s.	d.
1d.	Pottie pays, of money . . .	33	6	8
	Of butter 1 quart, of cheese 1 stone, of wedders 1, of victuals 1 stone.			
$\frac{1}{2}$ d.	Ardfinag pays, of money . . .	71	6	8
	Of butter 3 quarts, of cheese 3 stone, of wedders 3, of victual 3 stone.			
$\frac{1}{2}$ d.	Swie pays, of money . . .	33	6	8
	Pays no casualties.			
$\frac{1}{2}$ d.	Bonnessan, possest be Commis- sar Ramsay, and pays of money . . .	120	0	0
	Pays no casualties.			
	Ardtunichtrich pays of money .	53	6	8
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
	Ardtunwachtrich pays, of money	40	0	0
	Pays no casualties.			
1d.	Lie pays, of money . . .	53	6	8
	Of butter 2 quarts, of cheese, 2 stone, of wedders 2, of victual 2 stone, but pays more this year.			
$\frac{1}{2}$ d.	Cromgart and Assiboill pays, of money . . .	66	13	4
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
	Knocknafinag, wast.			
	Peinmoir, wast.			
1d.	Feirgeill, wast.			
$\frac{1}{2}$ d.	Creich, wast.			
2d.	Knockintey and Knocktellegan, wast.			

2d.	Icolumkill, possess be tenants, and pays only this year of money .	£	s.	d.
	Of bear 30 bolls.	100	0	0
	<i>Summa</i> money-rent, Ross and Icolumkill extends to	£1184	0	0
	<i>Summa</i> butter, 29 quarts, 1 choppin.			
	<i>Summa</i> cheese 29 stone 1 quarter.			
	<i>Summa</i> wedders 29 1 quarter.			
	<i>Summa</i> meal, 29 stone 1 quarter.			

## The RENTAL of TORSAY, 1674 years.

2d.	Land. DOWART and ARDECHOIRK, all waste, except a feorling and a half, which pays, of money .	£	s.	d.
	Of butter 3 pynts, of cheese 1 stone h., of wedders 1 h. victual 1 stone h.	30	0	0
1d.	Bernasaanchastle, possess by ten- ants, and pays, of money .	53	6	8
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
1d.	Ardnadrochit, possess be John M'Connachie oig officer, and pays for the half (the other half being deduced for his ser- vice) of money .	40	0	0
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
2d.	Achnacraig and Leirfredaig, pos- sess be tenants the half, the other half being waste, and pays, of money .	80	0	0
	Of butter 3 quarts, of cheese 3			

	stone, of wedders 3, of victual	£	s.	d.
	3 stone.			
1d.	Glenawachtrach and Carnaig, wast.			
1d.	Coulchelis, possest be tenants, and pays, of money . . . . .	80	0	0
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
1d.	Auchatabeg and Shenbal, wast.			
1d.	Ardcheyll, possest be tenants, and pays this year . . . . .	33	6	8
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of victual 2 stone.			
$\frac{1}{2}$ d.	Ardewro, wast.			
$\frac{1}{2}$ d.	Tornaskychbeg, wast, except the 4th part thereof, which pays only . . . . .	6	13	4
1d.	Tornaskychmoir, wast.			
1d.	Glenanichtrach, possest be ten- ants, and pays, of money . . . . .	53	6	8
	Of butter 4 quarts, of cheese 4 stone, of wedders 4, of victual 4 stone.			
3d.	Auchnacroiss, Torgormig, and Dennyquhillin, set to Archi- bald M'Lean, and pays only of money-rent . . . . .	133	6	8
1d.	Barnasriannangoinan, wast.			
1d.	Glencanoir, possest be young Tor- loisk, and pays only . . . . .	66	13	6
1d.	Gortenbowie, possest be him, and pays only . . . . .	66	13	4
1d.	Knockteirmartine, possest be John Dow M'Ilvray, and pays of money . . . . .	66	13	4
	Of butter 2 quarts, of cheese 2 stone, of wedders 2, of vic- tual 2 stone.			

# MACLEANS OF DUART

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1d.	Scarrasdale and Gilsett possesst equally be Broloss and Tor- loisk, and pays only . . .	£	s.	d.
		40	0	0
1d.	Clachaig possesst be old Torloysk, rent free.			
1d.	Darrechuaig and Eorsay, possesst be old Torloysk, and hes it for service.			
1d.	Burg possesst be Hector M'Ewin vic Eichin, and pays only of money-rent this year . . .	33	6	8
12d.	land of The two ends of Coill, possesst be the Laird of Coill, and pays, of money-rent, only . . .	266	13	4
3d.	„ of Kenwachtrich and Ardveanish in Jura, and Molbowie in Scaraba, possesst be Ewin M'Charles and pays only, of money-rent . . .	280	0	0

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*Summa* money-rent, Torsay,  
Coill, Jura, and Scaraba £1330 0 0  
*Summa* butter, 22 quarts 1  
 pynt.  
 of cheese, 22 stone  $\frac{1}{2}$ .  
 of wedders, 22 $\frac{1}{2}$ .  
 of meal, 22 stone  $\frac{1}{2}$ .

RENTAL of MORVERNE, as the same was sett be  
M'LEAN *anno* 1671, being the last sett.

5 $\frac{1}{2}$	Merk-land. Lidistill and Beach, possesst be John Cameron. Loch- zeill's uncle's sone, and pays, of money . . .	£	s.	d.
		333	6	8
	Of butter 6 quarts, of cheese 6 stane, and the Zuilland Pace pressant, viz. A quart of butter and a stane of cheese			



	at Zuill, and a quart of butter and 2 veals at Pace, upon every 5d. land.	£	s.	d.
3	Glencribastill, possesst be Lochzeill, and pays of money .	200	0	0
	Of butter 6 quarts, of cheese 6 stane, and the other presents conforme.			
2½	Kenloch possesst be him, and pays, of money .	106	13	4
	Of butter 3 quarts, of cheese 3 stane, and the other full pressant.			
2	Auchagavill, possesst be him, and pays of money .	80	0	0
	Of butter 4 quarts, of cheese 4 stane, and the other pressant.			
2	Ardintibert, possesst be him, pays, of money .	133	6	8
	All the lands foresaid have been possesst be Locheill for 1672, and since syne.			
3	Lawdill pays, of money .	166	13	4
	Of butter 6 quarts, of cheese 6 stone, and the other pressants.			
1½	Rahway, possesst be Ardgour, and his brother Lauchlan, pays nothing.			
1½	Archalnachrick, pays of money .	66	13	4
	Of butter 3 quarts, of cheese 3 stane.			
6½	Barr and Mungastill, possesst be Allan M'Lean of Inner Skavadill, pays, of money .	280	0	0
	Of butter 10 quarts, of cheese 10 stone, with the pressants of a 13d. land.			

# MACLEANS OF DUART

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1½	Drumchragaig, possesst be Hector M'Ewin vic Allan, pays, of money . . . . .	£	s.	d.
		53	6	8
	Of butter 3 quarters, of cheese 3 stone, with the other pressants.			
2½	Corncailloch, wast.			
4	Sallachan and Ternaid, possesst be Lauchlan Moir M'Lean, and pays, of money . . . .	186	13	4
	Of butter 8 quarters, of cheese 8 stone, and other pressants.			
2½	Killintein, possesst be Allan M'Ean vic Ewin, pays, of money . . . . .	133	6	8
	And the ordinarie pressants.			
7½	Finnarie, Savarie, Janenmoir, and Camusglass, possesst be Ardgour, and pays, of money only . . . . .	266	13	4
½	Auchacharn, possesst be Mr. Hector M'Lean, pays of money . . . . .	26	13	4
2½	Laggan wast.			
1½	Fereneish pays, of money . . . . .	73	6	8
	Of butter 3 quarts, of cheese 3 stone, and the ordinary pressants.			
4½	Hawlastill and Portavate, possesst be Ardgour's brother, and pays, of money . . . .	133	6	8
	Of butter 8 quarts, of cheese 8 stone, and ordinarie pressants.			
1½	Killcollumbkill, possesst be Mr. Hector, and pays . . . . .	80	0	0
2½	Ardtorreneish, possesst be Donald Glass, and pays . . . .	133	6	8

		£	s.	d.
$\frac{1}{4}$	The officer's lippennce pays .	2	18	0
	<i>Summa</i> Morvern, money-rent . . . . .	£2456	4	8
	<i>Summa</i> old casualties of :—			
	Butter 60 quarts.			
	Of cheese, 60 stone.			
	<i>Summa</i> Zuill and Pace presants :—			
	Of butter, 28 quarts			
	1 pynt.			
	Of cheese, 14 stone and a half.			
	Of veals, 29.			

RENTAL of TIRIE, as the samen was sett be EWIN and LAUHLAN M'LEANS by warrand frae the deceased SIR ALLAN M'LEAN, for the year 1674 yeirs.

3	Merk-land. HEANNEISH, possesst be Donald	£	s.	d.
	Glass M'Lean, pays . . . .	80	0	0
	Of victual 120 stone.			
1	Crossiboill, in M'Lain's hands,			
	And had thereupon,			
5	Heillieboill, 22 maill-land there- of possesst be tenants, and pays, of money . . . . .	67	13	4
	Of victual 75 stone, of butter 1 pynt.			
3	Baiglie, possesst be Donald Glass, by a pretended wadsett-right of £1000, and pays no rent.			
1½	Ballenoe, possesst be tenants, and pays, of money . . . . .	38	13	4
	Of victual 1 b. malt, and 30 stone of butter 2 quarts, and the			

	casualties of 4 mail and a half land, for mairts and sheep.	£	s.	d.
2 $\frac{1}{4}$	Cowzeife, possesst be M'Ferqu- hard Fraiser, and pays, of money . . . . .	60	0	0
	Of victual 90 stone.			
1 $\frac{1}{4}$	Sorobie pays only, of money .	10	0	0
1 $\frac{1}{2}$	Ballemartyne pays only, of money	26	13	4
3 $\frac{1}{8}$	Mannall, all wast.			
6	Tayneish, possesst be Charles M'Lean, and payes only, for this year, of money . . . .	40	0	0
1	Eyrme payes, of money . . . .	32	13	4
	Of victual 15 stone, of butter 1 quart, of cheese 1 stone.			
3	Bellephuill, all wast.			
3 $\frac{1}{2}$	Kennavar, possesst be tenants, and pays of money . . . .	52	0	0
	Of victual, 2 bolls malt, and 30 stone, and the casualties of 3 mail-land.			
4 $\frac{1}{2}$	Barrapoill, possessed be Donald M'Lauchlan Oig, pays, of money . . . . .	80	0	0
	Of victual, 120 stone.			
3	Ballemeanach, possesst be John Oig M'Lean, and be his tack frac M'Lean, he pays nothing this year.			
1 $\frac{1}{2}$	Samdaig, possesst be tenants, and pays of money . . . .	33	6	8
	Of victual, 8 pecks malt, and 30 stone and the casualties of a mail-land.			
1 $\frac{1}{2}$	Grianall pays this year, of money	16	13	4
	Of malt 2 bolls 8 pecks, of victual 25 stone, and the casualties of 2 mail-land.			

		£	s.	d.
1½	Kerrefergus pays, of money .	2	6	8
	Of malt 1 boll, of victual 27 stone and ½, with the casualties of 2 mail-land.			
1½	Kerremeanach pays, of money .	20	0	0
	Of bear 2 bolls.			
1½	Reranakeill pays, of money .	13	6	8
	Of victual 20 stone.			
1½	Krossiegers, wast.			
3½	Murdoll, wast.			
6	Hodgh, possesst be Torloysk, and pays only . . . .	133	6	8
6	Ballewilling, possesst be tenants, and pays, of money . . .	118	6	8
	Of malt 4 bolls 4 pecks, and of victual 117 stone and a half, with the full casualties of a sixmaill-land, and ane maill and a half for mairts and sheep only.			
6	Kilmaluag, wast, except 4 maill- land, which pays . . . .	6	13	4
	Of malt, 1 b. 8 pecks.			
3	Bist and Ballenairagainich, wast, except ten maill-land, and which pays, of money . . .	27	6	8
	Of malt 2 bolls 8 pecks, and of victual 30 stones.			
	Bassepoill, pays only, of money .	10	0	0
	Of malt 1 boll, and of victual 20 stones.			
5½	Cornagmore, possesst be John M'Lean's uncle, and had it rent free.			
3	Cornagbeg pays, of money .	65	0	0
	Of malt 1 boll 12 pecks, and of victual 12 stone ½, with the casualties of two mailling and a half.			



		£	s.	d.
6	Kennavay pays, of money .	139	13	4
	Of victual 4 b. 12 pks. malt, and 115 stone, with the casualties of 4 maill-land, and a pynt of butter.			
4	Ballephetris and Balwag, possesst be Hew M'Lean, and pays, of money . . . . .	66	13	4
	Of bear, 4 bolls.			
3	Kirkapoill, possesst be Lauchlan M'Learliche, and pays only, of money . . . . .	40	0	0
1	Gott, possesst be Kinlochaline, and pays only . . . . .	26	13	4
6	Vaul, pays, of money . . . . .	90	6	8
	Of victual 1 boll malt, and 77 ft. $\frac{1}{2}$ , with the casualties of 4 maill-land.			
1 $\frac{1}{2}$	Salim pays, of money, only .	56	0	0
6	Keyles pays, of money . . . . .	113	6	8
	Of victual 4 bolls.			
6	Revaig and Vuill, possesst be Lauchlan M'Lean and payed therefor £80, and 16 bolls victual; but has it free from M'Lean this year, for service.			
	The Miln of Hulliboill, possesst be the said Lauchlan, and pays, of rent, therefor . . . . .	40	0	0
	The weavers of Terii, pays, this year, of money . . . . .	26	13	4
	The lands of Terii, pays, this year, of horse-corn, the num- ber of 22 bolls, sold at . . . . .	33	6	8
	Of lining 60 chs; of poultry, 14 dozen and eight.			

*Summa* malt and bear 33 b. 12 pks.

*Summa* victual in stones 955 ft.

Which being

Extends in bolls to . 130 b. 4 pk.

Whereof of meal . 43 8 pk.

Of malt . . . 43 6 pk.

Of bear . . . 43 6 pk.

*Summa* butter in Terii, 4 quarts.

*Summa* cheese, 1 stane, with the full casualties of 24 maill half maill-land, and six mailland, that pays only mairts and sheep.

*Summa totalis*, silver-rent of the haill lands and estate of Dowart, extends to the soume of eight thousand four hundreth thrie scoir four pounds elevin shilling four-pennies, for the yeir of God sixteen hundred and three-scoir fourteen yeirs, *ut in brevi* . . . £8464 11 4

MEALL—*Summa totalis* Meall, extends to the number of fifty-six bolls, eleven pecks, *ut in brevi*, 56 b. 11 pk.

MALT and BEAR—*Summa totalis* Malt and Bear, extends to the number of ane hundredth and fifty boills eight pecks, *ut in brevi*, 150 b. 8 pk.

BUTTER—*Summa totalis* Butter, ane hundreth fourtie-three quarts, and a choppin, *ut in brevi*, 143 qts. 1 chopin mair upon Morvern, of butter 28 quarts 1 pynt: *Inde*, in the haill of butter, ane hundredth, three scoir,

elevin quarts, one pynt,  
and a choppin ; *ut in brevi*,  
171 quarts 1 p. 1 chop.

CHEESE—*Summa totalis* Cheese, extends  
to an hundreth fiftic-  
four stane three quarters,  
*ut in brevi*, 154 ft. 3 qrs.

WEDDERS—*Summa* Wedders, beside Terie,  
extends to three scoir nin-  
teen and a quarter, *ut in*  
*brevi*, 79 $\frac{1}{4}$ .

VEALS—*Summa* Veals 29.

And for the full casualties of  
twenty-four maill, half-  
maill land, and six maill  
land, that pays only  
mairts and sheep in Terii  
this year, not reckoning  
the poultrie, eggs, nor  
corne of money . . . £35 0 6

## X

FOLLOWS ane Accompt of the money and goods uplifted  
and intronitted with be LAUCHLAN M'LAINÉ of  
Brolois, of the rents of the lands and estate of  
Dowart, since the decease of Sir Allane M'Lean of  
Dowart.

IMPRIMIS, RECEIVED be the said Lauchlane,	£	s.	d.
of the rents of Morvarne,			
and spent upon M'Laine's			
affairs, of money . . .	620	0	0
ITEM, Received out of the lands of			
Torssay, fifty cowis at			
12 l. per piece ; inde . . .	600	0	0

## HIGHLAND PAPERS

<i>ITEM</i> , Received from the Balzie of Torssay, twentie - eight kyne, at the same price; <i>inde</i> . . . . .	£ s. d. 336 0 0
<i>ITEM</i> , Received out of the lands of Morenish, twentie - ane cowis, at the same pryce; <i>inde</i> . . . . .	252 0 0
<i>ITEM</i> , Received from the Balzie of Morenish, of money . . .	200 0 0
<i>ITEM</i> , Received out of the lands of Tresinnish, fyve kyne at the pryce foresaid; <i>inde</i> . .	60 0 0
<i>ITEM</i> , Received out of the lands of Wlva and Gometra, seaven kyne, at the same pryce; <i>inde</i> . . . . .	84 0 0
<i>ITEM</i> , Received out of the lands of Lorinaballoch, fyve kyne, pryce foresaid; <i>inde</i> . .	60 0 0
<i>ITEM</i> , Received out of Gleneanore, ane cow; <i>inde</i> . . . . .	12 0 0
<i>ITEM</i> , Received out of the lands of Ross, twelf kyne, pryce foresaid; <i>inde</i> . . . . .	144 0 0
<i>ITEM</i> , Received out of the lands of Aroiss, nyne kyne, pryce . .	108 0 0
<i>ITEM</i> , Received from Donald M'Lean drover, twentie-eight kyne; <i>inde</i> . . . . .	336 0 0
<i>ITEM</i> , Received from Lauchlane M'Lean, balzie of Terie, of money . . . . .	300 0 0
<i>ITEM</i> , More uplifted be the said Lauch- lane, of the foresaids rents of the estate of Dowart, to be hereafter particularlie condescendit on, and which was spent	

	upon the funeralles of the	£	s.	d.
	deceast Sir Allane . . .	649	6	8
<i>ITEM</i> ,	More received be the said			
	Lauchlane, from the said			
	balzie of Terie, of meal 40			
	bolles, and of malt 20 boilles.	_____		
	<i>Summa totalis</i> extends to	£3761	6	8
	I say, Thrie thousand seavine hundred			
	and sixtie-ane pounds six shilling			
	eight pennies Scots money; and			
	of meal fourtie boilles, and of malt			
	twentie boilles.			

I the said Lauchlane M'Lean of Broloiss, doe hereby declair, That I uplifted the haill foumes of money, kyne, meal and malt above wrytten, and no more of the rents payable out of the said estate of Dowart for this present cropt 1674 years; and that ane Noble Earl, Archibald Earl of Argyll, as haveing good and indoubted right to the said estate, and rents thercof, has exoncred and discharged me of my said intromissione therewith, conform to the seaventh article of the capitulation and agriement made betwixt the Laird of Glenurchy and the Laird of Lochnanell, for and in name of the said Noble Earl on the anc part, and me the said Lauchlan M'Lain, for myself, and in name and behalf of the rest of the name of M'Laine, and others who appeared lately with me in arms, on the other pairt; of the date at Moy the eightein day of September instant: And therefore I doe hereby acknowledge, that the fore-said seaventh article is satisfied and performed to me, conforme to the foresaid agreiment in all poynts. In witness whereof, I have subseryved thir presents with my hand, as follows, (wrytten by Nicoll Yule Not. Publick), at Dowart, the twentie-ane day of September 1674 years, before thir witnesses, Archibald Campbell of Inveraw, and John Campbell Captain of Carrick, and John Yule of Darleith.

*(Sic subscribitur)*

M'LAINE of Broloss.

JOHN CAMPBELL of Carrick, *Witness.*

JOHN YULE, *Witness.*



This settlement, however, fell through very soon, and on 10th April 1675 fresh Letters of Caption and Ejection were issued. As the defenders are the same in both, it seems sufficient to print the former.

# XI

CAPTION, the EARL of ARGYLL against JOHN M'LEAN and others, 1675.

CHARLES, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith: To our Lovites

Messengers, our Sherriffs in that part, conjunctly and severally, specially constitute, greeting: FORSUAMEIKLEAS it is humbly meant and shown to us be our right trustee coussing and counsellor Archibald Earl of Argyll, *That where, upon the 24th day of March last by-past*, John M'Lean of Keylis, Lauchlan M'Lean tacksman of Rowage, John M'Lean of Kenlochallen, Donald M'Lean tacksman of Bow, John M'Charles vic Lean tacksman of Sallum, John M'Donald vic Lean there, Finlay M'Lean vic Donald there, Archibald M'Fingan vic Ean vic Donald there, Neil M'Fingan there, Archibald M'Gilcreist there, Ewin M'Ilchallum in Kirkipoyle, Hew M'Lean bailie of Tirie in Balliphelis, Colin Gowin Kenvay there, John M'Donald oig vic Lean, Allan M'Lean there, Neil M'Donald oig, Finlay M'Ilchallum there, Archibald M'Donald vic Lauchlan tacksman of Cornekeg, John M'Lean tacksman of Corneckmoir, John M'Gilcreist in Bassaboyll, Colin M'Intyre there, Neil M'Intyre tacksman in Ballinchagonich, Duncan M'Lerich in Buist, John M'Illergin there, Donald M'Lean in Balliwilling, John M'Lean there, Finlay M'Sorle there, John M'Sorle there, Donald M'Ilraw there, Glislellan M'Lean there, Malcolm M'Inley there, Ewin M'Donochie vic Ean a brich there, Hector M'Lean of Torloisk, Fioris M'Lean there, Hector M'Lean in Muidill, Lauchlan M'Lean there, Rorie M'Lean there, Duncan MacIlchallum tacksman of Kilchanich, John M'Lean in Crinall, John M'Ilphadrick vic Ean in Sandlaig, John M'Allan there, Alexander

M'Kerras in Bollimnoch, John M'Lean in Kendvarr, John MacNeill vic Ean duy there, Neil M'Lean there, Hector M'Neil there, Hector M'Neill in Ballifuill, Martin M'Onich there, Colin MacDonald bean in Hyrem, Neil M'Neill there, Charles M'Neill bean in Cheneish, Donald M'Lean in Manuall, John Dorish M'Lean in Ballimartine, Hector M'Lean in Sorobie, Ewin vic Ean in Goish, Donald Dow M'Rorie in Ballinoo, John M'Rorie there, Kenneth M'Ilchallum there, John M'Kinoun in Ninipoyll, Donald M'Laughtie in Kyell, Neel M'Donald vic Neel there, John Reid there, John MacEchin vic Ean *alias* M'Clean in Sheba, Donald Gorum M'Lean there, Angus M'Ilvorish there, Angus ve M'Kerrichare there, Paul M'Ean vic Errochar there, Donald eir M'Neill vic Neil M'Martin there, Ewin M'Ilvray in Scur, Duncan M'Ilvray there, Duncan M'Nockard there, Allan M'Allan vic Lauchlan in Kilvicewn, Donald M'Onochie grave there, Donald M'Ean vic Ilvray there, Donald Roy M'Clean vic Donald there, John M'Donald vic Ilphadrick there, John Dow M'Nockard there, Malcolm M'Nockard there, Rorie M'Rorie vic Allan there, Neil Dow ve Arthur there, Donald grave M'Ilvray in Starfine, Archibald M'Ilvray there, Alexander M'Lain in Larnish there, Archibald M'Onochie grave there, Charles M'Clean there, Martin M'Donald vic Ilvray, Martin M'Onochie vic Ilvray there, Allan M'Donald Glass in Uskin, Lauchlan Dow M'Ean there, Lauchlan M'Rorie, Martin Neelchallin M'Ilvray in Ardehevage, Ewin oig M'Lean there, Donald M'Inlay there, Neil Rioch M'Rorie there, Ferquhar M'Lean in Ardochar, John MacDonald gorum vic Lauchlan in Knockinfinage, Alexander, Donald, and John M'Lains in Pennymoir, Charles M'Clean vic Donald there, Donald M'Charles vic Lean in Ardehillamish, Ferquhar and John M'Arthurs there, Finlay M'Neil vic Finlay there, Finlay M'Millan there, John M'Inish vic Ilphadrick in Tirergan, Hector M'Donald vic Ean there, Neel M'Neel vic Roy there, Finlay Smith there, Donald M'Arthur there, Gilbert M'Arthur there, Donald M'Charles vic Ean there, Donald and John M'Cleans there, Donald M'Ulvoyll in Knockulligan, Donald, Hector, and John

M'Leans in Knockatuy, Malcolm M'Charles vic Ean in the Isle of Erraie, John oig Smith there, Ewin M'Ean vic Ewin there, John M'Ilvorrie there, Patrick M'Ean Glass in Hafforlane, John M'Ean vic Neill there, Donald M'Martine in Sallochar, Donald Roy M'Finlay there, Hector M'Clean there, Neil M'Ilvray there, Katharine M'Farland in Catahame, John M'Donald vic Neil erich, Donald M'Lauchlan in Icolumkill, Donald M'Donochie vic Lavish there, Charles M'Adam there, Angus Flegger there, Thomas M'Onohie vic Avish there, Malcolm Charles vic Adam there, Archibald M'Lun there, Donald M'Charles Dow there, Patrick M'Donald Gregune there, John M'Donald there, John M'Donald vic Ean there, Charles M'Lean there, Archibald M'Intyre there, John M'Neel vic Neil there, Archibald Roy M'Donald vic Errochar there, Donald M'Lean there, Donald Dow M'Lean there, John M'Eun ur vic Finlay there, Neil M'Eun ur vic Finlay there, Dougald and Donald M'Ronalds there, Malcolm M'Finlay moir there, Donald M'Ean vic Donald bean there, John M'Eun *alias* Fledger there, Lauchlan Allan vic Lauchlan in Pattisorrell, M'Ilchallum vic Ilphadrick there, Duncan M'Eun gow there, Finlay M'Rorie gow there, Donald M'Donald gow there, Patrick M'William in Ardunaig, Rorie M'William there, Neil M'Ean ur there, Neil M'Farlane there, John M'Neil vic Ean there, Donald M'Ean garvie there, John M'Illespie there, Charles M'Ean Larnish *alias* M'Lean in Suy, Angus M'Errochar there, Malcom M'Ean vic Martin there, Duncan M'Rorie there, John M'Ildonich vic Ewn in Thurgill, Donald there, Beltoune in Donansland, Neil M'Donochie there, Duncan M'Neil, John M'Ilneive, Hector M'Cleane grave *alias* M'Lean in Assoboll, Donald M'Arthur there, John M'Donald vic Eachan there, Hew and Hector M'Cleane there, Allan M'Donald there, John M'Eachan vic Ean in Corngate, John Dow M'Finlay there, Allan M'Lean there, Donald M'Lean in Ardtounish-nether, John Dow M'Inloy roy Ewn M'Eachan there, John M'Lean unchle to the Laird of M'Lean in Ardtounish-ever, John Dow M'Eachan oig there, John M'Rourie vic

Donald bean there, Neil M'Donald vic Errochar there, Donald Roy M'Lugas there, John bean M'Donald buy there, Donald M'Neil there, Donald M'Eachanoig M'Lean, Finlay Dow M'Clean there, Hugh M'Clean in Bea, *Donald M'Neil Dow vic Dougall in Gilpatrick, Dougall M'Ilchaller there, Alexander M'Ilespie vic Alester in Beach, John M'Lauchlan Dow there, Lauchlan ur Donald vic Donald there, Allan M'Lauchlan ur there, Donald and Allan Mac-Allan vic Lauchlans there, Ferquhar M'Neil vic Donald ur there, Donald M'Ilchallum vic Iloray in Forwachtie, Malcom M'Ivorrie there, Charles M'Ean Dow there, John ure M'Duffie in Torminach, Donald M'Ilchallum there, Neil M'Iltrendish there, Ferquhar M'Neil in Tormtarroch, Malcom M'Iloray there, John More M'Phain there, Lauchlan M'Lean of Brolois, Lauchlan M'Charles vic Ean duy in Killinack, Allan M'Inlay there, Donald Bittoun<sup>1</sup> in Pennycross, Hector M'Iloray there, Donald M'Ilchallum there, Donald Gorum M'Iray in Pennygaill, Neill M'Ilvail there, Allan M'Lean in Larsaig, Donald and John M'Ilorayes there, Malcom M'Iloray in Glentiddell, John Dow M'Iloray there, John and Donald M'Intyres in Lochstoddan, Hector M'Eachan vic Alester in Ulval, Charles M'Lean there, John M'Donald gove in Ardvarginch, Finlay M'Donald gove there, Ervin M'Donald moir there, Lauchlan M'Clean in Kilmoir, John oig M'Lean vic Neil there, Lauchlan M'Lean in Dalrerish, John Dow M'Donochie vic Neil bean there, Neil M'Donochie vic bean there, Duncan M'Arthur in Kilimachir, Lauchlan M'Lean there, Angus Dow M'Neil there, Angus M'Earn bean M'Pherson there, John M'Lugas there, Archibald M'Lugas there, Lauchlan M'Martine in Ballinrenoch, Donald M'Elachan alias M'Lean there, Donald M'Ean vic Neil in Ballmacken, Lauchlan M'Martine there, Neil M'Ean vic Ean there, Duncan Dow M'Lean in Killicmure, Archibald M'Ean vic Gillespie, in Ballinahard, Ard M'Lean there, Hector M'Lean in Burg, Donald M'Ean vic Ean there, Ferquhar Bean M'Ean there, Donald Bean vic Ean there, John M'Ean moir in Scarasdale, Hector*

<sup>1</sup> The Betons were hereditary physicians to the Macleans of Duart, and had the holding of Pennycross on Loch Scridain as their remuneration. *Vide post*, p. 314.



M'Laine of Torloisk, Finlay M'Kinlay vic Ean in Darhowage, Malcom M'Laine there, John M'Lean there, Malcom M'Finlay vic Ean, Neel M'Ilvray in Dissag, Ewen M'Donald vic Ean there, John Dow M'Ilvray in Knock, John M'Finlay there, Ewin M'Ilvray there, Lauchlan M'Ilvray there, John M'Ean Bain there, Donald Bean M'Alister in Blachaig, John M'Andrie there, John M'Gilchrist there, Lauchlan M'Lean fiar of Torloisk, Patrick M'Neill dow in Glenrannar, Neil M'Ilvray there, Lauchlan M'Lean in Gortenbouie, Neill Garvie M'Neil vic Ean duy there, Malcom M'Ean dow vic M'Neel there, Angus Glass M'Neel there, John M'Neil vic Ean dow there, Neel M'Intayleor there, Duncan Lamount in Collicheles, Ewin M'Inish there, Malcom M'Indonich there, Neel M'Ilchallum vic Ildonich there, Duncan M'Finlay there, Donald M'Donald vic Ean there, Hew M'Neel in Ochncraig, Duncan Roy M'Lain vic Neel there, Ewin M'Lain tacksman thereof, Lauchlan M'Lean there, Neil M'Dowie there, Neil M'Ean vic Alister there, Allan M'Lean there, Malcom M'Faden in Auchadabeg, John M'Donald vic Ean there, Donald M'Urich there, Donald M'Phaden there, Neel M'Donald in Glenan, Donald Malcom and Finlay M'Donald there, Donald Moir M'Lean there, Hew M'Charles vic Lean there, Gilcillum M'Neil vic Donald there, Angus M'Phaden in Sheltoune, John M'Donochie in Ardno-ducead, Donald M'Lean vic Finlay there, Ewin M'Donochie eioch there, Donald M'Ean vic Donochie in Tarnaskioch, Allan M'Ean alrech there, Duslan M'Ean Leech there, Hector M'Neill vic Ean there, John M'William in Ardochoyle in Dowart, John M'Intyre there, Neil M'Neil gow there, Ewin Bean M'Ilmichell *alias* M'Illeinish there, Donald oig M'Ean vic William in Barniscreive, Donald bean M'Phain there, Donald oig M'Nab there, Donald Glass M'Lean tacksman of Torgrinag, Archibald M'Lean there, John Hew M'Neells there, Archibald M'Allan moir M'Lean there, Ewin M'Donochie moir there, Finlay M'Donochie there, Ewin M'Charles M'Lean in Ardochill, Ewin M'Ilmichell in Ardjura, Ewin M'Lean in Carnag, John M'Roy there, Donald M'Lean tacksman of Tornodiu, Archibald M'Ean



vic Illespie there, Archibald M'Ean vic Eun in Bellinohard, Lauchlan M'Lean in Inchchrinich, Archibald and Donald M'Itrays in Teerfine, Martin M'Donald vic Ilvray there, Martin M'Donochie vic Ilvray there, Donald M'Martine vic Lean in Dalquhum, Donald roy M'Donald bean there, Patrick M'Ean Glass in Fillichen, John, Eill vic Neill in Creach, Ferquhar M'Ean bean in Ardeach, John M'Ilneive there, Allan M'Lean vic Donald glass in Portwiskine, Lauchlan dow M'Donald vic Ean there, John M'Hector vic Lean of Kenlochallen, tacksman of Killisickell, etc. Lauchlan M'Lean in Killive, Malcom M'Ilvray there, John M'Eun vic Allan vic Lean in Kellimoir, Hector M'Lean of Torloisk, tacksman of Clacheug, etc. Hector M'Lean of Aucharanich, and tacksman of Kilmaluag, Hector M'Gourie in Ostanull and Gometryll, Lauchlan M'Gowry tacksman of Ulva and Lagan-Ulva, John M'Gowry there, Hew M'Ilmichell in Ferremoir, Charles M'Lean in Claguran, Lauchlan M'Lean of Auchauist, Rorie M'Ean vic Donald in Breve, John M'Ilpeich there, John dow M'Innar there, Finlay M'Neill vic Ean vic Finlay there, John M'Conochie vic Ean vic Onochie *alias* M'Arthur there, Donald M'Glespick van there, Charles M'Illespick there, Donald M'Obnach in Slumaboll, Archibald M'Eun duy there, Ewin M'Neill vic Ilchallum there, Lauchlan M'Lean tacksman of Calligourie, Callich Frigadell M'Ildonich M'Maines in Pennienmoir, Neill M'Lean in Ducheran, Malcolm M'Neill vic Ean in Balliemoir, Ferquhar M'Sheri, John M'Lean in Derryvyll, Hector M'Allan vic Lean in Tangie, Donald vic Allan M'Laine in Arivulchine, Lauchlan M'Lean younger of Torloisk, tacksman of Auchacharie and Aucharanich, Malcolm M'Neill vic Lean in Arrois, Lachlan M'Vrartech in Blairecharnen, Mr. Angus M'Lean in Lettirmoir, John M'Neill vic Rorie there, Neill M'Ean vic Lean in Douchartie, John M'Donald Cameron in Liddisdaill, Ewen and Duncan M'Ilendrishes there, Donald M'Inlay there, Donald Cameron in Archagavill, John M'Ean M'Lean in Laudill, John roy M'Lean there, Dugall M'Lachlan in Ramishallich, Dugall M'Lachlan in Glencubastill, Ewin M'Ean vic Lean in Archalastill, Allan M'Eun

vic Lean in Mungistill, John M'Onochie vic Ilphadrick in Ammoir, Donald M'Lean in Artinortranish, Lachlan M'Ean vic Lean in Salvarie, John M'Lean of Argowre in Finarie, John M'Lachlan in Sallachin, Ewen M'Ean vic Lean there, Paul M'Leod there, Malcolm Clerk there, Finlay M'Ilchallum vig in Laggan, Lachlan M'Ean roy M'Lean there, Neill M'Eun vic Allaster vic Lauchlands there, John and Sorle M'Dacharus in Ferrenish, John M'Eun vic Allan M'Clean there, Ard. M'Ilmartine there, Allan M'Ean vic Eun vic Lean in Killintine, Hector M'Eun vic Lean in Drumcragag, Neill M'Donald vic Ean there, Donald M'Eck vic Illespie there, John M'Donald Cameron in Beich, Angus roy Cameron there, Ewen Cameron there, Angus M'Eun dow Cameron there, John M'Eun dowie vic Lean in Camisallich, Donald M'Eun vic William there, Allan M'Charles vic Lean in Glencubastill, Lachlan oig M'Lean M'Eun in Bachore and Rochoy, Charles M'Lean in Kenlochtherchoist, Lauchlan oig M'Lean M'Eun in Auchnatibert, Allan M'Eun vic Ean in Barr, Angus roy M'Lean in Porvell, John and Duncan M'Onlayes in Nachalostich, Duncan M'Eun glass in Amoir, Angus M'Lean glass there, Allan Cameron tutor of Doltert in Ardlaranish, John M'Onochie in Auchacharie, Donald M'Lean in Killibeg, Neill M'Ean vic Ilphadrick in Cornacallich, Eun M'Eun M'Lean in Killintine, Alexander M'Lean there, John Cameron in Thiarnell, John M'Intyre there, Donald Cameron there, Finlay moir Cameron in Beilch, Donald M'Donald Cameron there, John M'Illespie Cameron there, Donald M'Eun vic Finlay moir there, Charles M'Allan vic Ean duy *alias* M'Lean, tacksman of Ardnacreyfe, Drunfyr, Lachnamill, Balliscat, Strone and Arle; Lachlan, Malcolm, and John M'Leans in Arrois in Kilnawre, John M'Ilvorich in Kentalline, Archibald and Angus M'Ean royes there, Donald M'Lean tacksman of Ledbeg, Clairhannan and Dirrivill; Archibald M'Ilphadrick in Ledmoir, John M'Shirie there, John M'Ilphadrick there, Donald M'Murdoch, *alias* Campbell in Cranich, and John M'Lean in Lettirmoir, *were all orderly denounced Rebels, and put to the horn by virtue of our other*

*letters of horning, raised, used, and execute against them at the complainer's instance, for not flitting and removing themselves, their wives, bairns, families, servants, sub-tenants, cottars, goods, gear and others, furth and frae the lands and others after mentioned, pertaining to the said complainer, and possess by them, ilk ane of them respective for their own parts, sua far as they occupy the same, viz. The lands and barony of Dowart. . . .*

*(The Letters of Caption conclude with a warrant for the apprehension of the persons named.)*

By this time the Macleans of Duart seem to have secured the support of Lochbuy, as well as of the lairds of Ardgour,<sup>1</sup> Kinloch-aline, and Torloisk, and to have seized the castle of Kerneburg. Criminal proceedings were accordingly taken against them in a court held at Inveraray on 23rd June 1675, by Mr. John Campbell of Moy, as a depute of Argyll, in his character of Justice-General. Most naturally they preferred not to appear, and so they were duly outlawed—all as set forth in the following Act of Adjournal.

## XII

### ACT OF ADJOURNAL, 1675.

*Curia Justiciarii S. D. N. Regis tenta infra pretorium burgi de Inveraray, vigesimo tertio die mensis Junii, anno Domini millesimo sexcentesimo septuagesimo quinto, per Magistrum Joannem Campbell de Moy, justiciarium deputatum nobilis Comitis Archibaldi Argatheliæ, hæreditarii justiciarii generalis, viccomitatus de Argyll insularum aliarumque.*

*Curia legitime affirmata.*

THE whilk day, anent the criminal process and letters raised and persued at the instance of Duncan Fisher, procurator-fiscall of the Justiciary of Argyll, for his Majesty's interest, against Lachlane M'Lean of Broloiss, Hector oig M'Lean his brother, John M'Lean of Ardgowir,

<sup>1</sup> *Vide post*, p. 335.

Hew M'Lean fiar thereof, Archibald M'Lean, brother to the said John M'Lean of Ardgowir, Allan M'Lean of Innerskavadell, John M'Lean of Kenlochaline, Hector M'Lean his son, Charles M'Allan in Ardnacroish, Lachlane M'Charles in Morenish, Allan M'Charles in Mishenish, Donald M'Charles in Arroiss, Hector M'Charles, and Evon M'Charles his brother in Achnacroish, Hector M'Lean fiar of Lochbowie, Hew M'Lean, brother to Kingorloch, Alexander M'Lean his other brother in , Hector and John Roy M'Quorries, uncles to M'Quorrie of Ulva, David Ramsay in Beach commissar of the isles, and Lachlane M'Lean fiar of Toloisk, makeand mentione, That where be the laws and acts of parliament of this kingdom, the convocation of his Majesty's leidges, garri-soning of castles, forts, and houses, breaking of arrestment, someing and oppression, leagues and bands amongst the leidges, are crimes of ane high nature, and are punishable, prohibited, and discharged by the laws and constitutions of this kingdom ; and particularly the convocation of his Majesty's leidges, is forbidden by King James v. parl. 4. cap. 27. ; Queen Mary parl. 9. cap. 75. K. James vi. parl. 8. cap. 131. Likeas, by K. James ii. his 6 parl. act 25th, the garrisoning of houses, and stuffing of the same with provision, to hold out against his Majesty's laws and authority, and the keeping of men armed upon wadges and allowance, are expressly forbidden under all highest pains : Likeas, the breaking of arrestment is expressly forbidden by King James vi. parl. 7. act 117 ; and the contraveeners of the said act are declared to be punishable, with the escheat of their goods moveable, and punishment of their persons : Likeas, someing is particularly forbidden and declared to be severely punishable by the laws, acts of parliament, and constitutions of this kingdom ; and particularly by the 45th act of K. James ii. his 11 parl. ; and K. James iii. parl. 10. cap. 77. his Majesty's Sheriffs and Justices are authorised to doe law upon them as upon common thieves or robbers : SICKLIKE, leagues and bands amongst the leidges of this realm are forbidden by K. James i. parl. 2. cap. 30. ; and by Queen Mary, parl. 6.



cap. 43. K. James VI. parl. 10. act 12.; and by the 4th act of his Majesty's first parl. Which bands and leagues, by the first act, are declared to be against law and obedience of subject towards the Princes; and therefore are discharged under the payne to be holden and execute as movers of sedition, and unquietness to the breach of the publick peace of the kingdom, **NEVERTHELESS** it is of verity, That the said Lauchlane M'Lean of Brolois and remanent hail fore-named persons, did convocate together armed men with swords, hagbuts, pistolls, durks and other weapons invasive, and munitione bellicall extending to the number, and at the times and places respective under written, *viz.* In the moneth of April last bypast, upon the twenty-twa day, or ane or other of the days of the said moneth, without any order of law, at Kenlochnakeall, upon the lands of Knockteirmartein, extending to the number of three or four hundreth men, which they did, by sending through the isle of Mull, Morverne, and other places, fyre croces for convocating of the country people in arms; and did abide and remain together in the foresaid posture and warlike manner, from the said twenty-twa day of April, till the last day thereof: **LIKEAS**, at and about the same time, the said Hector M'Lean fiar of Lochbowie, and his accomplices, did convocate together the number of ane hundredth men or thereby, armed in manner foresaid, at Gadderlie in Glenforsay, and keepled them together in armes, during the space foresaid: **AND SICKLIKE**, the said Lachlane M'Leane of Brolois, and hail remanent persones above designed, did garrisone the house and fort of Carnbulg, upon the                    day of April last, or upon ane or other of the days of the said moneth, with the number of                    armed persons, and appointed ane Captaine and other officers for keeping of the said house, and preserving of the same and the countrey, against the execution of his Majestys law: In like manner, upon the                    day of April last or thereby, Duncan Clerk messenger, by vertue of letters of arrestment, having arrested upon the lands of Crossiboill and Kilmalouag in Terie, eighty boills bear and corne, fortein pieces of horses,



and four swyne ; after the making of whilk arreastment, and notwithstanding of the intimation thereof made be the said messenger the said Lachlane M'Lean of Brolois, Hector oig M'Lean his brother, both or either of them, accompanied with twenty-four men in armes, without any order of law or justice, came to the ground of the foresaids lands, and violently carried away the foresaids cornes, bear, horses and swyne particularly above mentioned : AS LIKEWAYS the said Lachlane M'Lean of Brolois, and the said David Ramsay, commissar of the Isles, being in Terie upon the foresaid day of April, they, with their followers, extending to the number of threttie or fourty men, oppressed the tennants of Terie, by quartering and someing upon them, and caused them bring in meall, and all other sort of provisione, till Lauchlane M'Lean balzie of Terie, his house in Kelliepoll, especially on the tennants and possessors of Kendway in Terie : As also in the moneths of March or April last bypast, and upon ane or aither of the days of the saids moneths, the foresaids Lauchlan M'Lean of Brolois, and the rest of the persons above specified, and several other gentlemen of the name of M'Lean, mett at Aroiss in the Isle of Mull, and entered in a league and bond, and obliged themselves by oath, to join and adhere on to another, in direct opposition and contrair to the foresaids acts of parliament ; and immediately thereafter garisoned the said house and fort Cambulg [*sic*] in manner foresaid. In respect whereof, the haill persons, defenders above named, hath contraveened the foresaids acts of Parliament ; and are thereby guilty of the haill crymes particularly above specified ; and therefore they, and ilk ane of them ought and should be exemplary punished for the same, in their persons and goods conform to the saids laws and acts of Parliament, in terror of others to commit the like hereafter ; as in the saids criminal letters at more length is contained ; be virtue of whilk letters, and conform thereto, the said Duncan Clerk messenger, upon the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eight, and twenty-nine days, *respective* of the moneth of May last bypast, lawfully charged

the haill fore-named defenders, to have found caution acted in the books of adjournal of the said sherifffdom of Argyll, within six days, conform to the act of Parliament, for their compearance this day and place, in the hour of cause, to have answered and underlyen his Majesty's laws for the cryms respectively and particularly above mentioned ; and because of their not finding of the said caution, acted in manner foresaid, therefore, the said Duncan Clark messenger, upon the eight day of the month of June instant, past to the mercate-cross of the brughe of Inveraray, being the head-brughe of the said sherrifffdom of Argyll ; within the whilk, the saids defenders actually dwells and remains, at the loist dwelt and remained the time of the committing of the foresaids cryms ; and thereat, in his Majesty's name and authority, he lawfully and orderly denounced the haill persons defenders above named his Majesty's rebels, and putt them to his Highness' home for their contemption and disobedience ; as the samen letters, with the executions thereof, and denunciation following thereupon, duely registrate in the books of adjournal of the said sherrifffdom of Argyll, conform to the act of Parliament, more fully proports : *And lastly*, this day and place, in the hour of cause, the haill defenders above named, being oftymes called to have compeered before the said justice-depute, to have underlyen his Majesty's laws for the crimes particularly above written, lawful time of day abidden ; and the saids defenders not enterrand, nor compearand, the *said justice-depute*, by the mouth of Dowgall Clerk dempster of Court, *adjudgeit*, decerned, and declared the saids Lauchlan M'Lean of Brolois, Hector oig M'Lean his brother, John M'Lean of Ardgowir, Hew M'Lean fiar thereof, Archibald M'Lean brother to the said John, Allan M'Lean of Innerskewadile, John M'Lean of Kenlochaline, Hector M'Lean his son, Charles M'Allan in Ardnaeroish, Lauchlane Allan, Donald, Hector, and Ewan M'Charles, his sons, Hector M'Lean fiar of Lochbowie, Hew and Alexander M'Leans brother to Kingerloch, Hector and John Roy M'Quorries, uncles to M'Quorie of Ulva, David Ramsay Commissioner of the

Isles, and Lachlane M'Lean fiar of Torloisk, *oullawes* and *fugitives* fra his Majesty's lawes, and to be putt to his Highness' horne, and their haill moveable goods and gear to be escheatt and inbrought to his Majesty's use for their contemption and disobedience; and ordained letters of denunciation to pass, and be direct thereupon, and to that effect in forme as effeires, which was pronounced for doome; whereupon the said procurator-fiscal asked instruments, and act of Court. *Extractum per me*, (Signed) NICOLL ZUILL, *Clk. dept.*

This was followed almost at once by a fresh Commission of Fire and Sword (No. XIII.), for a time limit of twelve months was placed on such extraordinary machinery, and, in the hope apparently of restoring peace, full power is given to Argyll to negotiate with his adversaries.

### XIII

#### COMMISSION TO THE EARL OF ARGYLL, 1675.

*Edinburgh, the 29th day of July 1675.*

THE Lords of his Majesties Privy Councill, having granted a commission of Fyre and Sword, of the date the twenty-two day of July instant, against Lauchlain M'Laine of Brolois, Hector oig his brother, John M'Laine of Ard-gower, Hugh M'Lain fiar thereof, Archibald M'Laine brother to the said John M'Laine of Ardgower, Allan M'Laine of Inverkavadill, John M'Laine of Kenlochallen, Hector M'Laine his sone, Charles M'Laine in Ardnacroiss, Lauchlan M'Charles in Moreineish, M'Allan M'Charles in Misheneisk, Donald M'Charles in Arroes his sone, and Hector and Ewin M'Laines, also his sones, Hector M'Laine fiar of Lochbowe, Hugh and Alexander M'Laines, brethrein to Kingerloch, Hector and John M'Quarries, uncles to M'Quarries of Ulva, David Ramsay in Beach, Commissar of the Isles, and Lauchlane M'Laine fiar of Torloisk, for their convocating the leidges in armes, garrisoning the house and fort of Carnbulg, and committing diverse acts of

hostility and ryot, in the Isles of Mull and Morvern and others ; for which, and for not appearing before the Earl of Argyll, Justice-General of Argyll and the Isles, and his deputees, to have answered therefore, they are declared fugitives. The saids Lords doe, notwithstanding of what is past, and of the saids crymes committed by the saids persones, hereby grant full power, commission or authority, to the Earl of Argyll, to offer the saids persones indemnity for bygones, provyding they immediately lay down their armes, and submit themselves to the lawes : But, if notwithstanding of the said offeir, the saids persones continue obstinate, they ordain the said Earl of Argyll, to call to his assistance, such parties of the militia within the shire of Argyll as he shall think fit, to concurr and assist, in execution of the Commission of Fyre and Sword, direct against the saids persones. Extr. by me,

*(Sic subscribitur)*

THOMAS HAY.

Various legal proceedings follow during the next three years—now one side, now the other appearing to have some advantage—but all the while the Macleans seem to have been resisting Argyll and holding on to Kerneburg, notwithstanding the Offer of Indemnity made below.

#### XIV

#### EXECUTION of the OFFER of INDEMNITY.

UPON the 21st October 1678 years, I, Duncan Clerk, Messenger, past to the mereat-cross of Inveraray, head burgh of the sherifffdom of Argyll, and thereat, after three several oyesses, I openly proclaimed and read the act of the Lords of his Majestic's Privy-Council, daited the 10th of October 1678 years : whereby they give power, authority and commission, to Archibald Earl of Argyll, to offer indemnity to Lauchlan M'Lean of Brolos, and other persons his Majestic's rebels therein mentioned, for all by-gane crymes committed be them, providing they should immedi-



ately lay down armes and submitt themselves to the laws, as in the said act is more fully contained ; and also, I publickly read ane offer of indemnity, made and subscribed be the said Earl of Argyll, as having power, in manner foresaid, to the foresaids persons, rebels, upon the conditions above expresst ; and affixed and left copies of the said act of Council and Offer of Indemnity, made be the said Earl conform thereto, upon the said mercate-cross of Inverary, to the effect none might pretend ignorance. This I did conform to the said act in all points before thir witnesses, William Reed, Neil Campbell, John Ferguson, Scroll M'Dougall, all indwellers in Inveraray, and for the mair verification hereof, and indorsatione to this my execution, subscribed with my hand, my stamp is affixed.

(Signed) DUN. CLARK, *Messenger*.

## XV

### COMMISSION to the EARL of ARGYLL, 1678.

FORASMUCHAS the persons under written, *viz.* Lauchlane M'Lean of Brolois, Hector oig M'Lean his brother, (here follows the same names and narrative as in No. XII.)—And FORASMUCHAS, the said commission of fire and sword, granted against the said persons, being now expired, and the said suspension descust in manner foresaid ; and that yet the said Lauchlan M'Lean of Brolois, and remanent persons, rebels foresaid, have not submitted themselves to justice, but by open force and hostility oppose the execution of the laws, to the high and manifest contempt of his Majesty's authority : And the saids Lords having therefore granted a commission of fire and sword, of the date hereof, against the said Lauchlan M'Lean of Brolois, and remanent persons, rebels above written, They, notwithstanding of what is past, and of the saids crymes committed by the said persons, do hereby grant full power, authority and commission, to the Earl of Argyll, to offer to the saids persons indemnity for by-gones, pro-



viding they immediately lay down their armes, and submitt themselves to the laws. But if, notwithstanding of the said offer, the saids persons continue obstinate, the saids Lords ordains the said Earl of Argyll to call to his assistance, such parties of the mielitia within the shires of Argyll, Bute and Dumbartoune, as he shall think fit; as also his hail vassals, mentenants and servants, and such as are descended of his family, and their tenants, and all the mentenants and inhabitants living upon his estate, as well superiority as property, to concurr and assist in the execution of the commission of fyre and sword, derect against the saids persons, and to cause put in execution the letters of concurrence and intercommuning, of the date of these presents following thereupon. Extracted by me,

(Signed) AL. GIBSONE.

Argyll, however, got possession of Duart and some other parts of the estates, and the following rental was adjusted in January 1679.

## XVI

FOLLOWS the RENTAL of MULL, as it was given up be the Bailies and Officers therein, in the Bailie-court, holden at Dowart, 13th January 1679.

### LANDS of TORISSAY, viz.

	£	s.	d.
Dewart, waist.			
Ardachort, waist.			
Barnasrais, of money . . . . .	53	6	8
Of cheese 4 stone, butter 4 quarts, sheep 4.			
Glendan and Tornaskioch . . . . .	80	0	0
Of cheese 4 stone, of butter 4 quarts, sheep 4.			
Achinacraig . . . . .	160	0	0
Of cheese 4 stone, of butter 4 quarts, sheep 4.			
The one half possest be Kenlochallene's son.			
Gualchelis . . . . .	80	0	0

Of cheese 4 stone, of butter 4 quarts, of sheep 4; the one half possess be John M'Ean vic Ewn vic Allan, Brolos pypar.	£	s.	d.
Ardindrochite . . . . .	40	0	0
Of cheese 2 stone, of butter 2 quarts, sheep 2; the one half possess be the officer, rent-free for service.			
Glendanovachtrich, wast.			
Achateybeg, wast.			
Ardachdyll, wast.			
Ardehra, wast.			
Tornaskoichbeg, wast.			
Achneroish, wast.			
Torgormaig, wast.			
Barnasraivnagoman, wast.			
Glencannoir . . . . .	53	6	8
Of cheese 1 stone, of butter 1 quart, of sheep 1.			
Gortenbuy . . . . .	53	6	8
Clachaig . . . . .	40	0	0
Knocktirmartain . . . . .	53	6	8
The officer has the half rent-free for service.			
Skarisdill, Derrivoaig and Eorsay . . . . .	73	6	8
Of cheese 3 stone, butter 3 quarts, sheep 2.			
Deissaig . . . . .	26	13	4
Of cheese 2 stone, of butter 2 quarts, of sheep 2.			
Burrig . . . . .	43	6	8
Of cheese 3 stone, of butter 3 quarts, sheep 3.			

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*Summa* Torissay rent £756 13 4

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## ROSS.

	£	s.	d.
Sheba . . . . .	66	13	4
Of cheese 4 stone, butter 4 quarts, sheep 4, cashlaif 4.			
Skour . . . . .	40	0	0
Cheese 2 stone, butter 2 quarts, sheep 2,			

cash 2; the officer has as much for service.	£	s.	d.
Kilvickewn . . . . .	92	13	4
Cheese 2 stone 3 quarters, butter 2 quarts 3 chappins, sheep 2 and 3 parts of a sheep, cash 2 and 3 quarters.			
Seirphein . . . . .	70	0	0
Of cheese 3 stone, butter 3 quarts, sheep 3, cash 3.			
Usken . . . . .	19	6	8
With a quarter or 4th part of the foresaids presents.			
Ardchevaig . . . . .	35	0	0
Cheese 1 stone ane quarter, butter 1 quart 1 chap. sheep 1 and ane quarter, cash 1 and 1 quarter.			
Ardachie . . . . .	40	0	0
Cheese 2 stone, butter 2 quarts, sheep 2, cash 2.			
Knocknasenaig paycs, conform to Brolois tack	40	0	0
Pennymore . . . . .	0	0	0
Ardellaneish . . . . .	35	0	0
With half a pressant.			
Teireragan . . . . .	26	6	8
With thrie quarters of a pressant.			
Knockintuy . . . . .	53	6	8
Ellanerratt . . . . .	27	6	8
Feiddein . . . . .	35	0	0
With a pressant, and the twa parts of a pressant.			
Salchurr, rent is . . . . .	16	13	4
And the Tinkler's relict alledges to be rent frie for services.			
Creich . . . . .	26	13	4
With twa pressants.			
Pottey . . . . .	30	0	0
With a present and ane half.			
Ardinaig . . . . .	51	13	4
With a pressant and ane half.			

Feirgeyll, Pat. M'Donald piper.	£	s.	d.
hes this room.			
Swey . . . . .	33	6	8
With ane pressant.			
Bonessan.			
Ardtunichtrach . . . . .	63	6	8
With ane pressant and ane half.			
Ardtunwachtrich, possest be			
Archibald Mc vic Ewn, Ardgour's brother.			
Assopol and Cronogart . . . . .	53	6	8
Leywast.			

*Summa* Ross, silver-rent £846 13 4

### BROLOISS.

	£	s.	d.
Gribown, of money . . . . .	45	0	0
with half a pressant.			
Killomer . . . . .	33	6	8
with a pressant and ane half.			
Ballenahein . . . . .	31	6	8
with a pressant and ane half.			
Ballemeanich and Ardchreshinnish . . . . .	40	0	0
Kilmichan . . . . .	41	6	8
with a pressant and ane half.			
Kailzimoir, wast.			
Barrerach . . . . .	18	0	0
with half a pressant and ane sheep.			
Ardvarignish . . . . .	20	0	0
Wevall . . . . .	26	13	4
with twa pressants.			
Kinlochskridan . . . . .	68	0	0
with twa pressants.			
Pennygaell, Carsaig and Glenliddell . . . . .	53	6	8
Pennycroiss . . . . .	20	0	0
Killuntaig . . . . .	0	0	0
Torranbeg, Torranovachtrich, and Torranich- trich . . . . .	66	13	4

# MACLEANS OF DUART

315

	£	s.	d.
Beach . . . . .	26	13	4
Ormissaig it's possest be Broloss' son and his goods			
Kilphadrick . . . . . with a pressant.	13	6	8
Inshkaynich . . . . .	0	0	0
Feorlingnatayng, a part of the Inish . . . . .	0	0	0
Carvalg wast . . . . .	0	0	0

*Summa* Brolois, silver-rent £503 13 4

## ICALUMKILL.

Bolls

The 10 pound land of Icalumkill pays of Bear, in bolls called boll-beg, the number of . . . . .	43½		
	£	s.	d.
And of money . . . . . with twa stons cheese, and 2 qrts. butter.	190	0	0

*Nota*, Ilk boll-beg is 3 firlots, but at  
deliverie thereof, they pay ane  
Crear, which is 2 pecks, with ilk  
boll-beg.

*Summa* Icolumkill, attour  
victual . . . . . £190 0 0

## AROSS.

	£	s.	d.
Arosmore, Killenalen, Leirbeig, Blaircharnan, and Tangie . . . . .	106	13	4
Kentalen . . . . .	0	0	0
Arle, possest be young M'Lean . . . . . his goods.	0	0	0
Ardincross, Drimsyne, Lochnameull, Balleskat and Strone . . . . .	133	6	8



	£	s.	d.
Lettirmore and Lettirbeig . . . . .	40	0	0
Leadmore . . . . .	53	6	8
Achtashennag and Derriveilter . . . . .	0	0	0
possest be young Ardgour.			
Kaillechronan . . . . .	40	0	0
Keilphubill . . . . .	26	13	4
Kellin . . . . .	40	0	0
Kailliemore . . . . .	40	0	0
Achacharne and Acharennich . . . . .	40	0	0
Crannich wast.			

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*Summa Aroiss, Silver-rent* £520 0 0

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## ULVA.

	£	s.	d.
The 20 merk-land of Ulva payes only . . . . .	466	13	4
Gometra, Askamull, and Corkamurr, of money . . . . .	214	13	4
with 3 pressants, and the 4th part of a pressant.			

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*Summa Ulva . . .* £681 6 8

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## MORENNISH.

	£	s.	d.
Arivolochan . . . . .	13	6	8
Dowchorren . . . . .	13	6	8
Pennymore . . . . .	66	13	4
Kilchreist . . . . .	18	6	8
Swynepoill . . . . .	13	6	8
Lagg, wast.			
Kailloch, wast.			
Arein . . . . . rent frie.			
Innevey . . . . .	26	13	4
Callagorie and Frackadill . . . . .	53	6	8

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*Summa Morinish, silver-rent* £205 0 0

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For the following documents (xvii.-xx.) the Editor is indebted to Mr. Niall D. Campbell. They show how in February 1679 the arms of the Macleans were being surrendered, and how, having established himself in Mull, Argyll was preparing to extend his operations to Tiree and busy repairing Duart Castle.

## XVII

RECEIPT by CAMPBELL of INVERAW for the  
MACLEANS ARMS.

*10th Feb. 1679 at Inveraray.*

Receipt on paper by Archibald Campbell of Inveraw (on the endorsement as usual it is called M'Conochie<sup>1</sup> Reecept for the M'Laines armes) granting him to have received of the M'Laines their arms at several times 80 swords and 45 guns and from William Campbell 'Skipper' of my Lords 'frigget' for which he gave his receipt the number of 62 swords and 18 guns and from Lochnell of Lochbuys arms 43 swords and 32 guns. This is besides three pistolls 5 lochabir axes and two hundred swords which the granter also has in his custody. Which number of arms extends in all to 185 swords 95 guns 3 pistolls 5 Lochabir axes and 'ane two handed sword I obleidge me to be comptable for to the Earle of Argyll when he calls for ane accompt of the same at my hands. Wits. Dugall Campbell writer hereof servitor to the sd. noble Earl, and Mr. John Campbell of Moy.

A. CAMPBELL OF INVERAW.

## XVIII

INSTRUCTIONS BY ARCHIBALD, 9TH EARL OF ARGYLL,  
for the Captain of Dunstaffnage.

*Dunstaffnage, 26th May 1680.*

Imprimis: You are to signifie to any heritors or others of this shyre that comes heir how far they are to blame

<sup>1</sup> The Campbells of Inverawe were always known as M'Conochie, *vide ante*, p. 169, note 2. Archibald Campbell of Inverawe was made Governor of Duart.

that they did not keep the rendevouz and quhat difficulties they put themselves there to.

You are to apoynt these that come to follow me to Tobirmorrie and you are upon receipts to give a peck of meall to each of the division of Argyll, Cowall and Kintyre. These of Lorne may very weell provyde themselves, seing they have not kept the rendevouze till they come to tobirmorrie.

You are to tack the readiest way to send the subscriyved ordors I have left with you to the severall divisions.

You are to receave Colonell Megines his boat that Loup hath had this quhyle past and delyver it to some gentleman that comes alongs to cary a fraught of men the lenth of tobirmorrie.

You are to apoynt such as cannot get boats from this to Cross at the ferrie of Kerrara to Duart.

## XIX

COPIE COMPT OF JOHN M'FARLANES WORK to the  
Earle of Argyll at Duart in May, June and July 1681  
as John gives it in.

	£	s.	d.
Imprimis: ane rood bail [?] ane elne of sarking and sklaiting to the centrie studie above the gate . . . . .	10	0	0
Item for poynting a rood upon the said roome .	1	10	0
Item for poynting 17 rood on the old hall and stair thereof . . . . .	22	13	4
Item for poynting tuo rood on the round and turnpyk the sume of . . . £3 0 0	6	0	0
Item for sklaiting a quarter of a rood thare . . . . . £3 0 0			
Item for poynting 18 rood upon the new work .	27	0	0
Item for poynting 16 roods on the bigg tour head . . . . .	24	0	0
Item for sklaiting halfe ane rood of new work on the said toure head . . . . .	6	0	0

# MACLEANS OF DUART

319

	£	s.	d.
Item for poynting 17 rood betuixt the turnpyke round of toure and the gallerie with the golden toure called toure Innoire . . . . .	25	10	0
Item for sklaiting halfe ane rood upon the Golden toure . . . . .	6	0	0
Item for poynting four rood upon the taylzeor toure . . . . .	5	6	8
Item for sklaiting a quarter rood on the said round . . . . .	3	0	0
Item for poynting tuo roods upon the north cunzie round . . . . .	3	0	0
Item for halfe a rood sklaiting on the said round . . . . .	6	0	0
Item for poynting a quarter of a rood above the door of the toure . . . . .	0	7	6
Item for 14 dayes work himself and other tuo men winning flaggs for laying the bartisans and poynting the same at 36 <sup>sh</sup> per day . . . . .	25	4	0
Item for his own work tuo dayes in bringing 12 barrells of Lyme fra Dunstafnadge to duart . . . . .	1	4	0
Item himselfe and tuo men goeing fra Inveraray to Duart . . . . .	5	8	0
Item for 800 skailzie nailes . . . . .	5	6	8
	<hr/>		
	<i>Summa totalis</i>	183	10 2
	<hr/>		

## XX

### RECEIPT BY JOHN MACFARLANE.

Item paid be Mr. William Spens <sup>1</sup> to Archibald  
Campbell of Inveraw <sup>2</sup> which hee debursed  
to the said John Macfarlan when he was  
working at dowart in Januar 1681, for his  
dyet £32 14 8 and to the said Jon himself  
be the said Mr. William Spens fra the 7th  
Januar 1681 to the date of thir presents in-

<sup>1</sup> Secretary to Argyll.

<sup>2</sup> He was governor of Duart.

clusive of which the said Jon hes received fra the said Mr. William the particular receipts and given this for all. The sowme of Tuo hundred fourc score sevine pund 5<sup>sh</sup> 4<sup>d</sup>. Extending the said tuo sowmes payed be the said Mr. William Spenss to the said Jon M'farlan and to the said Archibald Campbell of Inveraw for him to the sum of £319 19 8

I. M.

The documents that follow—Nos. XXI., XXII., XXIII., and XXIV.—are printed because of the light which they throw on the general situation, as well as on the particular struggle between Argyll and Maclean of Duart. The first two are taken from the *Register of Deeds*, while the other two are from Mr. Gregory's *Collections*, where they are described as being from the Ardour papers.

The impression produced by the *Information* for Alan Maclean of Drimnin (*ante*, p. 246) is that the debt with which the Macleans were overwhelmed was due solely to the machinations of Argyll. That this, however, was not the case seems pretty clear from No. xx.

By 1637 Sir Lachlan Maclean was in such financial difficulties that he had practically placed himself under trust. He had let a great part of his estates to four tacksmen for cumulo rents, and they were to pay these rents not to him but to the trustees.

No. xxii. affords an exceedingly good and detailed illustration of the method by which the Argylls and other powerful families (*vide ante*, p. 245) sought to increase their influence, by inducing or forcing some smaller neighbour to abandon the position of as here a free baron holding *in capite* of the Crown for that of an ordinary vassal holding his lands in feu of a subject superior, by whom the barony was held of the Crown.

No. xxiii. indicates how, when opportunity offered, the yoke was thrown off.

No. xxiv. shows how Sir Alan Maclean, who unfortunately for his family died in 1674, was preparing himself for the struggle with Argyll.

## XXI

OBLIGATION by JOHNE M'CLANE fear of Ardour, CHARLES M'CLANE in Fiunarie, JOHNE GARVIE M'CLANE in



Knockintoy, Commissar Depute of the West Yles, and DONALD M'CLANE in Calgarie, in favour of GEORGE, EARL OF SEAFORTH, SIR DONALD M'DONALD of Slait, JOHN M'CLAUD of Dunvegane, and Mr. ALEXANDER M'KENZIE of Culkowie, dated 30th July 1637 (*Register of Deeds*, etc., vol. 512, f. 283).

Be it kend till all men be thir present letters us Johne M'Clane fear of Ardgour, Charles M'Clane in Fiunarie, Johne Garvie M'Claine in Knokintoy [*sic*], Commissar depute of the West Yles, and Donald M'Clane in Calgarie, forsameikle as Sir Lawchlane M'Clane of Morverne, knyecht, hes set in tak and assedatioun to us and ilkane of us for our awine pairtis the landis and utheris efterspecifeit, for payment of the dewties eftermentionat, viz. to us the saids John and Charles M'Clanes the fiftie thrie merk ten shilling land of Morverne (except the towne and landis of Killentene and Antistill and landis of Ardtounes with the pairtis pendicles and pertinentis thareof) and als assignit to us the sowme of aucht hundrethe merkes money [to] be payt to us our airis or assignais be Allane M'Clane of Ardtornies for the Mertimes dewtie of his leiveing 1637 yeiris ; and als hes set to me the said Johne Garvie M'Clane the tucntie pund land of Rossy in Mull and ecrtane landis in Brolos, and aucht merkland of Ardmeneche exceptand the landis of Burge, and to me the said Donald M'Clane the remanent landis continet in the factorie maid thare-upoun ; togidder with the teyndis great and small personage and viccarage of the said Sir Lauchlane his landis in Mull Ulva Gouadra as he held the samen the last yeir, and that for the space of ane yeir nixt efter the enterie thairto, quhilk was and began at the feist of Witsonday last bypast, and fra thyne furth to indur to the feist of Witsonday nixtocum *j<sup>m</sup> vj<sup>e</sup>* threttie aucht yeiris. with frie ische and enterie thairto, and with all and sindrie commodities fredomes easmentis and righteous pertinentis whatsumever perteing and belonging thareto, frelie quyettie, etc. And becaus the said Sir Lauchlane hes set to us and everie ane of us the foirsaidis landis and teyndis,

and to ilk ane of us for our owne pairtis in maner abowedevidit, be the sight and advyse of Sir Donald M'Donald of Slait, knycht baronet, John M'Claud of Dunvegane, and Mr. Alexander M'Kenzie of Culkowie, haveing commissioun for ane noble and potent erle, George, Erle of Seafort, for that effect, and wha hes takine burding for defraying of the said Sir Lawchlane his debtis and burdinges and releiffing of his hous and estate, and present distres the samen is in, Thairfoire to be bund and obleist lykas we be the tennor heirof bind and obleis us and ilkane of us in maner underwrittene to content and pay the sowmes of money efter-specifeit ilkane of us for our owne pairtis in maner efterdevydit, viz. we the saidis Johne M'Claine fear of Ardgour and Charles M'Clane bindis and obleissis us conjunctlie and severallie our airis executors and assignais to content and pay to the saidis George, Erle of Seaforth, Sir Donald M'Donald of Slait, knycht, Johne M'Claud of Dunvegane, and Mr. Alexander M'Kenzie of Culkowie, thair airis executouris or assignais, or to any persone in thair names haveand thair power reporters heirof for the tak and assedatioun set to us and wther causes abowewrittene all and haille the sowme of thrie thowsand merkes good and usuall money of Scotland betuix the date heirof and the feist and terme of Mertimes nixtocum in this instant yeire of God j<sup>m</sup> vj<sup>c</sup> and threttie sevine yeiris, but longer delay, togidder with the sowme of tua hundrethe pundes money foirsaid of liquidat expenses incaice of faillye; and als I the said Johne Garrow M'Clard [*sic*] bindis and obleissis me my airis executouris and assignais to content and pay to the saidis noble Erle, George, Erle of Seafort, Sir Donald M'Donald, John M'Claud and Mr. Alexander M'Kenzie, and thair foirsaidis, for my tak abowewrittene of the landis abowespecifeit, the soume of thrie thowsand merkis money foirsaid at the said feist and terme of Mertimes nixtocum but farder deley, togidder with the sowme of tua hundreth pundes money foirsaid of liquidat expenses incaice of faillye; and siclyk I the said Donald M'Clane bindis and obleissis me my airis executouris assignais successours to content and pay to the saids George, Erle of Seaforth,

Sir Donald M'Donald, Johne M'Claud and Mr. Alexander M'Kenzie, and thair abowewrittine the sowme of sex thowsand merkes money foirsaid at the said feist and terme of Mertimes abowewrittine, togidder with the sowme of foure hundrethe pundes money foirsaid of liquidat expenses incaice of failyie and not thankfull payment of the said principall sowme at the said terme; and for the mair securitie we ar content thir presentis be insert and registrat in the Bookes of Counsell and Sessioun to have the strenth of ane act and decreit of the Lordis thairof, with letters and executorialls of horning to be direct heirwpounce on ane simple charge of sex dayis onlie, poynding and warding, in forme as effeiris, and constitutis Mr. James Miller our procuratouris promitten. de rato, etc. In witnes quhairof, wrettin be Mr. Alexander Pacok, notar publict, we have subscribit thir presentis with our handis att Avak[?] the penult day of July the yeire of God j<sup>m</sup> vj<sup>e</sup> threttie sevine yeiris, befor thir witnesses, Rorie M'Claud of Talliskaw, James Logy, wryter in Edinburgh, and Mr. Alexander Pacok, wryter heirop. *Sic subscribitur*, M'Laine, fear of Ardgour; CHARLES M'CLaine; D. M'CLaine of Calligowie; JOHN GARVY; R. M'LEOD of Talloskar, witnes; JAMES LOGY, witnes; AL. PACOK, witnes.'

## XXII

CONTRACT between LORD LORNE and M'LEAN OF ARDGOUR, dated 19th December 1631 (*Reg. of Deeds*, etc., vol. 466, f. 149).

At Haliruidhous the nyntene day of December the yeir of God j<sup>m</sup>v<sup>i</sup>c threttie ane yeiris it is apointit Contractit and finallie agreit betwix ane noble and potent Lord Archibald Lord Lorne on the ane pairt and Allane M'Leane of Ardgour here<sup>11</sup> Proprietar of the Landis and utheris underwrittin on the tother pairt in maner forme and effect following. That is to say forsamekle as certane of the said Allane his kinsmen having

maisterfullie and lawleslie intrudit themselffis in his landis and estait intending to debar him thairfra the said Allan<sup>1</sup> came and meanit his caus to ane noble Erle Archibald Earle of Argyle, Lord Lorne, quha having ane great respect for the said Allane his weill and the standing of his hous not onelie acceptit and kepit the said Allane in his Lordschippis awne cumpany<sup>2</sup> for divers yeiris Bot also be his Lo: greit travell paynes and moyane gat him legallie repossess in his saidis landis and estate. Lykeas the saidis Archibald Erle of Argyle and Archibald Lord Lorne and thair predieessouris have in tyme past be thair meanes and moyane furderit and avancit the said Allane and his predieessouris in all things concerning the weill and standing of thair hous and in all and sundrie utheris thair legall effaris and business at all convenient ocasiones. And the said Allane considering perfitlie and calling to mind the premisses with many other gratitudes plessouris and guid deidis thankfullie payit done and impendit to him and his predeces-souris be the said Arch<sup>d</sup>. Lord Lorne and his said father and thair anteeessouris of gude memorie and being most willing and myndfull to give ane just requitall thair of; Thairfoir and for special love and affectioun qlk the said Allane hes and beiris to the said Arch<sup>d</sup> Lord Lorne and for divers other ressonabill respectis, onerous causses and gude consideratiouns moving him and for the caus efter-mentionat, the said Allane M<sup>c</sup>Leane of Ardgour be the tennour heirowf bindis and obleissis him his airis alsweill maill of taillie and provisioun as of lyne and his assignais and successouris quhatsomever with all gudelië and convenient diligence to mak dew and lafull resignatioun of

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<sup>1</sup> When Allan Maclean was quite young his father was killed, and Ardgour was seized by his Uncle Charles. With the help of his relatives the Stewarts of Appin, and through the influence of the seventh Earl of Argyll, he ultimately recovered the estate, while Charles Maclean was provided with Inverscadell, *vide post*, p. 332.

<sup>2</sup> It is said that he was brought up at Inveraray. But whether this be so or not, the fact that he could not write his name (*vide post*, p. 333) suggests that the educational advantages which he derived from 'his Lordschippis awne cumpany' were somewhat limited.



all and hail the landis and baronic of Ardgour<sup>1</sup> underwrittin, viz. the anc merk land of Calp and Girvane, the tuentie shilling land of Dusley, the anc merk land of Auchinsobill and Transelk, the anc merk land of Stromgragane and Clavet zelk, the anc merk land of Blairboy and Corebeg, the anc merk land of tua Innerseanviltillis, the anc merk land of Camleffin and Crandellich, the anc merk land of Archanlan and Auchnames, the anc merk land of Landnavers and Craigvartane, the anc merk land of Narauchane and Lakerth, the tuentie shilling land of Danedothe and Altezovie, the anc merk land of Kilboden, the tua merk and ten shilling land of Cullie, the tuentie thrie shilling four pennie land of Sallaachanbeg, the tua merk land of Sallaachanmoir, the tua merk land of Inner-sanda and Innerbrakatill, the half merk land of tua Bruakillis and Clashannik, extending in the hail to tuentie tua merk land, with towres fortaliees maner places mylnis fishingis in the salt and freshe watteris toftis croftis annexis connexis pairtis pendielis outsettis doweattis tennentis tennandreis and serviec of frie tennentis, with the wodes and forrestis of the samyne, and all and sindrie pertinentis thairof, lyand within the lordship of the Yles and schirefdome of Innernes, in the handis of the richt heich richt excellent and most mychtie prince Charles be the grace of God, King of Great Britane, France and Ireland, defendar of the faith, or his Hienes successouris, or in the handis of his Majesteis commissioneris of the kingdome of Scotland having powar to ressave resignationis of landis haldin of his Majestic and to grant new infeftmentis thairupoun as in the handis of the sade Allane his most lauchfull indoutit immediat superiouris thairof, and

<sup>1</sup> The Macleans originally held Ardgour from the Lords of the Isles. In 1536 a new grant was made by James v. to John Makcarlich *filiu et heredi quendam Makcarlich M'Erwin* of the lands held by him and his predecessors in respect that his title-deeds had perished in the troubles by which these regions had been afflicted, and in 1546 his estates were erected into a barony. His father would seem to have been illegitimate, for in 1549 Hector Maclean of Duart received a charter of Ardgour which was in the Queen's hands as *ultra heres* of John M'Carlich. By Hector Maclean Ardgour is understood to have been restored to the heir male of the family.



that in speciall favoris of the said noble lord, Archibald, Lord Lorne, his airis maill and successouris quhatsomever, and for new heretabill and irredemable infestment to be maid gevin and grantit be our said soverane Lord or his abouewrittin to the said Archibald, Lord Lorne, and his foirsaidis, of the saidis landis and barony of Ardgour with the pertinentis of the samyne abouespecifeit under his Majesteis great seall in dew and competent forme, to be haldin of his Hienes and his successouris sielyk and als frelie in all respectis as the said Allane or ony of his authouris and predicessouris heretouris thair of held or haldis the samyne thameselffis of befoir; lyke as the said Allane bindis and obleissis him and his foirsaidis to mak seill subscriye and deliver to the said Archibald, Lord Lorne, and his abouewrittin, all procuratoreis of resignatioun neidfull maid in ample forme for thair securitie of the premisses, and to that effect the said Allane M'Leane of Ardgour hes maid constitut and ordanit and be thir presentis makis constitutis and ordanis Mr. William Douglas, ane of the ordinar maissers of his Majesteis Counsall and Exchequer, and ilkane of thame conjunctlie and severallie his verie lauffull indoutit and irrevocable procuraturis actoris factoris and speciall erand beraris to the effect underwrittin, gevand grantand and committand to thame or ony of thame his verie full frie plane powar expres bidding mandement and charge for him in his name and upoun his behalf to compeir befoir the said richt heich richt excellent and most mychtie prince Charles be the grace of God King of Great Brytane, France and Ireland, defendar of the faith, the said Allane his most lauchfull indoutit immediat superior of the landis and utheris aboue and underwrittin, or his Hienes successouris, or befoir his Majesteis commissioneris of the said kingdome of Scotland having powar to ressave resignationis [of landis] haldin of his Majestie and to grant new infestmentis thair-upoun, and thair quhatsomever day or dayis, place or places lauchfull and convenient with all humilitie condigne reverence and submissioun requisite as becomes be staff and bastoun as use is purelie and simplicie to resigne renunce

surrander dimitt frielie and *simpliciter* upgive and ourgive fra the said Allane his airis and assignais foirsaidis all and haill the foirsaidis landis and baronie of Ardgour aboue and underwrittin, viz., the foirsaidis landis of Calp' [*etc.*, as above] 'with towres' [*etc.*] 'lyand as said is, togidder with all richt and title heretabill and all uther richt and title quhatsomever competent to the said Allane thairto, in the handis of our said soverane Lord or his Hienes successouris or in the handis of his Majesteis commissioneris abouewrittin having powar as said is, as in the handis of the said Allane his most lauchfull indoutit immediat superiour thairof abouespecifeit and that in speciall favoris of the said noble lord, Archibald, Lord Lorne, his airis maill and successouris foirsaidis, and for new heretabill and irredemable infeftment of the samyne to be maid gevin and grantit be our said soverane Lord or his foirsaidis to the said Archibald, Lord Lorne, and his abouewrittin, under his Majesteis great seall in dew and competent forme, to be haldin in maner aboue specifeit; lykeas the said Allane M'Leane of Ardgour now as than and than as now be the tennour heirof resignis renuncis surranderis dimittis frelie and *simpliciter* upgevis and ourgevis fra him and his foirsaidis all and haill the foirsaidis landis and baronie of Ardgour comprehending the landis mylnis wodes forrestis fishingis and utheris speciallic and generallie abouementionat with the pairtis pendiclis and pertinentis of the samyne abouespecifeit extending and lyand as said is, togidder with all richt and title heretabill and all uther richt and title quhatsomever competent to him thairto, in the handis, in favoris and to the effect abouementionat, and thairupoun actis instrumentis and documentis to ask lift and raise, and generallie all and sindrie uther thingis to hant use and exerce anent the premisses that to the office of procuratorie of the law and consuetude of this realme in such caisses necessarlie is knowne to pertene and that the said Allane mycht do thairin him selff gif he war personalie present, firme and stable haldand and for to hald all and quhatsomever thingis his saidis procuratouris or ony of thame in the

premisses richteouslie dois under such panes as ar in the lawis preseryvit ; quhilk procuratorie of resignatioun abouewrittin, all and haill the saidis landis and baronie of Ardgour comprehending the particular landis wodis mylnis fishingis forrestis and utheris speciallie and generallie abouementionat, with pairtis pendiclis and pertinentis of the samyne abouespecifeit, the said Allane M'Leane bindis and obleissis him his airis successouris and assignais fairsaidis to warrand acquiet and defend to the said noble lord, Archibald, Lord Lorne, his airis maill and successouris abouespecifeit, in all and be all thingis as is abouexpremitt, fra the said Allane his awne proper factis and deidis allanerlie, and to deliver to the said Archibald, Lord Lorne, the said Allane his awne infestment and seasing of the saidis landis and baronie of Ardgour, with the haill auld writtis and evidentis thair of maid in favoris of his authoris and predicessouris being in his handis or that he can get concerning the securitie of the samyne, upoun ane sufficient inventar to be maid thair of bering ane band binding the said noble Lord and his abouewrittin to mak the samyne writtis and evidentis furthcummand for defence of the ground richt and propertie of the landis and barony abouespecifeit in all tyme heirefter ; and it is provydit heirby betuix the saidis pairteis that the infestment fairsaid to be past and exped at the handis of our said soverane Lord, superior abouenamit, in favouris of the said Archibald, Lord Lorne, salbe past exped done and performit be the said noble Lord and his fairsaidis upoun thair awne proper moyane charges and expenses ; and the said noble lord, Archibald, Lord Lorne, being sua dewlie and heretable infest and seasit in the landis and baronie abouewrittin haldin immediatlie of our said soverane Lord the Kingis Majestie, he salbe bund and obleist to sett in perpetuall few and heretage heretable latt and dimitt, lykeas he now as than and than as now be the tennour heirow settis and in perpetuall few and heritage heretable and irredemable lattis and dimittis to the said Allane M'Leane of Ardgour in lyfrent during all the dayis of his lyf tyme and efter his deceis to Johne M'Leane his eldest

laufull sone and apperand air in fie, his airis maill and assignais quhatsomever, all and haill the foirsaidis landis and baronie of Ardgour aboue and underwrittin, viz. the said ane merk land of Calp' [etc., as above] 'with touris' [etc.] 'togidder with the offices of bailliarie, crownarie and officiarie within the boundis of the saidis haill landis and barony of Ardgour, and all and sindrie liberteis privileges casualteis and commoditeis justlie appertening and belonging thareto; lykeas the said noble lord, Archibald, Lord Lorne, be the tennour heirop bindis and obleissis him his airis successouris and assignais quhatsomever to instantlie infeft and seas dewlie and sufficientlie the saidis Allane M'Leane of Ardgour in lyfrent and Johne M'Leane his eldest lauchfull sone and apperand air in fie his airis maill and assignais foirsaidis heretable and irredemable as said is in all and haill the saidis landis and barony of Ardgour contening and comprehending the particuar landis mylnis wodis fishingis forrestis and utheris respective and particuarlie abouewrittin with the pairtis pendielis and pertinentis of the samyne aboue specifeit extending and lyand as said is, togidder with the saidis offices of bailliarie Crownarie and officiarie within the haill boundis of the samyne land and baronie, with the liberteis privileges profitis and commoditeis thairof aboue mentionat, be ane sufficient chartour and infeftment of few ferme *titulo oneroso* with preeptis of seasing and seasing following thairupoun in dew and competent forme, to be haldin of the said Archibald, Lord Lorne, his airis maill and successouris in few ferme and heritage for ever for yeirlic payment to the said noble Lord and his foirsaidis of the sowme of sevintene pundis gude and usuall money of Scotland at ilk feist of Mertymes in name of few ferme and for payment of the dowble of the said few dewtie the first yeir of the entrie of ilk air to the landis and baronie abouewrittin succeeding to the said Johne M'Leane now fear thairof as use is of few ferme, with this provisioun alwayes to be contenit in the said infeftment, lyke as it is expreslie provydit be the tennour heirop, that albeit it salhappin the said few dewtie to rin be the space of tua thrie four fyve or



mae yeiris and termes togidder unpayit, that the nonpayment thair of salbe no ressone nor caus competent to infer nullitie reductioun tinsall or amissioun of the foirsaid infestment of few ferme at any tyme heirefter, nochtwithstanding quahatsomever actis of Parliament, lawis or practieque of this realme maid or to be maid in the contrair ; but prejudice alwayes to the said noble Lord or his foirsaidis to caus *brevi manu* but proces of law poynd distreinzie and appryse the reddiest gudes and geir being on the ground of the saidis landis and baronie or ony pairt thair of for the said few dewtie alsoft and sua oft as neid beis without ony hasard or perrell of law quahatsomever, and but prejudice to the said noble Lord and his foirsaidis anent the executioun of the personall obleisment efter-specificeit aganis the said Allane and his foirsaidis for the said few dewtie ; quhilk heretable locatioun and few infestment sall expreslie beir and contene all clauses and conditionis necessar in most ample forme, and speciallie the clause of warrandice underwrittin, lykeas the said noble Lord now as gif the said few infestment war alreddie past and exped and than as now be thir presentis bindis and obleissis him his airis successouris and assignais foirsaidis to warrand acquiet and defend to the said Allane M'Leane of Ardgour in lyfrent and Johne M'Leane his eldest lauffull sone and air apperand in fie, his airis maill and assignais foirsaidis heretable all and hail the foirsaidis landis and baronie of Ardgour comprehending the particular landis mylnis wodis fishingis forrestis and utheris respective and particularlie abouewrittin with pairtis pendiclis and pertinentis of the samyne speciallie and generallie aboue mentionat, lyand as said is, togidder with the saidis offices of bailliarie, crownarie and officiarie of the samyn, with the privileges and commoditeis of the samyne abouespecificeit, to be frie saiff and sure fra the said noble Lord and his foirsaidis thair awne proper factis and deidis allanerlie heirefter, and to mak seall subscribe and deliver to the said Allane M'Leane in lyfrent and Johne M'Leane his sone in fie and his abouewrittin all chartouris preceptis of seasing and utheris evidentis necessar for thair



securitie of the premisses, and to reiterat and renew the samyne alsoft and suaft as neid beis or as the said noble Lord or his foirsaidis beis requirit thairto, and ay and quhill the samyne be fund surelie and perfittlie done, kepend alwayes the groundis substance and warrandice abouewrittin; off the quhilk few dewtie of sevintene pundis gude and usuall money foirsaid the said Allane bindis and obleisses him to mak gude and thankfull payment to the said noble Lord and his abouewrittin at the said feist of Mertymes yeirlic, begynnand the first yeiris payment thairto at Mertymes nixt in *anno* j<sup>m</sup> vj<sup>c</sup> threttie tua yeiris and so furth yeirlic thairefter in all tyme comeing; and the said noble Lord bindis and obleissis him his airis maill and successouris foirsaidis nawayes to ly out uncenterit to the superioritie of the landis and barony abouewrittin in hurt and prejudice of the said Allane M'Leane, Jhone his sone and his foirsaidis, bot to purches procure and obtene thameselffis to be dewlie enterit infest and seasit thairintill successive efter otheris at the handis of our said soverane Lord and his Hienes successouris, superiouris thairto, in dew and convenient tyme, and to enter and ressave the airis maill of the said Jhone M'Leane as immediat vassellis to the said noble Lord and his foirsaidis in the saidis landis and baronie of Ardgour with the pertinentis thairto abouewrittin, togidder with the offices abouespeifeit, privileges and commoditeis foirsaidis belonging thairto, be preceptis of clare constat or sic uther forme as agreis with the lawis and practieque of this realme, at quhatsoever tyme or tymes it salhappin the said noble Lord and his foirsaidis to be requirit or desyrit to that effect be the saidis airis male or ony in thair names, and that frelie but ony gratitude or gude deid to be payit done or inpendit thairfoir, exeeptand the payment of the dowble of the said few dewtie allanerlie extending to threttie four pundis Scottis money; and it is expreslie provydit heirby betuix the saidis parteis that this present contract sall nawise be hurtfull nor prejudiciall to the said Allane M'Leane of Ardgour nor his foirsaidis anent thair richt and title to the superioritie of that pairt and portioun of the

said baronie of Ardgour disponit be him in favouris of umquhile Allane M'Charles V'Cleane<sup>1</sup> and now possest be Ewne M'Allane V'Charles, V'Leane his sone and air, haldin immediatlíe of the said Allane and his foirsaidis, nor anent all actioun competent or that may be competent to the said Allane and his foirsaidis aganis the said air for his warde nonentric mariage and releiff or utherwayes as accordis of the law ; with this declaratioun that the foirsaid provisioun salbe no ratificatioun nor approbatioun of the pretendit richt grantit be the said Allane to the said umquhile Allan M'Charles V'Cleane thairanent, bot that it salbe lesome to the said Allane and his foirsaidis to quarrell impugne reduce and call the same in questioun as thay may of law, and to obtene the ground richt and propertie thair of to him selff and his foirsaidis gif legallie he can ; and finallie the said noble Lord faithfullie bindis and obleissis him to purches procure and obtene himselff to be dewlie infeft and seasit in the saidis landis and baronie of Ardgour be ane sufficient chartour of resignatioun under his Majesteis great seall with precept and seasing following thairupoun proceding upoun the procuratorie of resignatioun foirsaid contenit in this present contract, and that befor the first day of May nixt-tocum, and the samyne being done the said noble Lord bindis and obleissis him and his foirsaidis incontinent thairefter gif neid beis to ratefie approve and renew this present contract in favour of the said Allane M'Leane, Johne his sone and his foirsaidis, for thair better securitie anent the premisses ; and for the mair securitie baith the saidis pairteis ar content and consentis that thir presentis be insert and registrat in the buiks of our soverane Lordis Counsall and Sessioun and decernit to have the strenth of ane decret of the Lordis thair of interponit thairto, with letters and executoriallis of horning poinding and warding, the ane but prejudice of the other, to pas and be direct thairupoun, and the horning to pas upoun a single charge of sex dayis onlie, and heirto constitutis Mr. Alexander Cummyng and David

<sup>1</sup> *Vide ante*, p. 324, note.

Hereot thair procuratouris, *promittente de rato* : In witnes quhairof baith the saidis pairteis hes subscrivit thir presentis with thair handis as followis, writtin be Duncane Duncansone, servitour to George Campbell, schiref clerk of Argyle, day, yeir and place foirsaidis, befor thir witnesses, Colene Campbell of Clwneis, Hector M'Neill of Thyneis, Archibald Campbell of Dunstafnich, Mr. Alexander Colvill of Blair, Justice Depute, Mr. Robert Barclay and Robert Shaw, servitouris to the said noble Lord.

*Sic subscribitur* : LORNE.

I Allane M'Cleane of Ardgour abouewrittin with my hand at the pen led be the notaris undersubscriyvand at my command becaus I can nocht writ my selff :

De mandato dicti Allani M'Cleane scribere nescientis ut asseruit, Ego Georgius Campbell notarius publicus subscribo. Ita est Andreas Darling connotarius in premissis de mandato dicti Allani M'Cleane scribere nescientis ut asseruit, etiam requisitus.

A. COLVILL, witnes ; C. CAMPBELL, witnes ; A. CAMPBELL of Dunstafnich, witnes ; H. M'NEILL, witnes ; Mr. ROBERT BARCLAY, witnes ; ROBERT SHAW, witnes.'

Following upon this transaction Lord Lorne obtained a charter under the Great Seal of *inter alia* the lands and barony of Ardgour, dated 4th February 1632.

### XXIII

LETTERS OF CERTIFICATION AND ASSURANCE  
by JAMES, MARQUESS OF MONTROSE, Captain-General  
and Lieutenant-Governor of Scotland, 1st September  
1645.

(Gregory *Collections*, vi. p. 15.)

WHEREAS Allan M'clean of Ardgour and his predecessors having holden the said Lands and Barony of Ardgour

with the pairts pendicles and pertinents thair of of his Majestie and his predecessors of ane lang tyme by past until such tyme as the Marques of Argyle having oppressed him by violence did force him to disclaim the foresaid holding and rycht from his Majestie and take the same holden of the said Marquis of Argyle and his airs in all tyme coming contrary to all law equitie and reasone and in hie contempt of his Majesty usurping his royall prerogative and committing thereby manifest and hie treasone and since the said Allan M'clean of Ardgour hath declaired himself faithfull in his Majesties service and followed us thairin we doe thairfoir by power and authoritie graunted by his Majestie to us, by these presents certify and assure the said Allan M'clean of Ardgour that we shall purchase and procure the fairsaid lands and Barony of Ardgour to be holden by the said Allan M'clean of Ardgour and his airs of his Majestie and his successors under his Majesties hand and seall at ane convenient occassione hereafter when it shall please God to settle the present troubles. And in the meantime we by power and authoritie fairsaid do by these presents Repone the said Allan M'clean to his former holding of his Majestie and his successors, as if he had never been forced nor compelled to change the same or as if the said holding had never been altered. Whereanent these shall be to him ane warrand providing always that the said Allan M'clean and his foresaids continew their faithfulness and loyaltie to his Majesties service uthirwayes thir presents to be null. Given at our Legar at the Kirktown of Bothwell the first day of September 1645.<sup>1</sup>

(*Sic Sub.*) MONTROSE.

On the forfeiture of the ninth Earl of Argyll this promise was fulfilled, and a Crown charter, dated 12th December 1685, was granted to Alan Maclean, eldest lawful son of Evan Maclean, eldest son of John Maclean of Ardgour, son of the deceased Alan Maclean

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<sup>1</sup> The battle of Philiphaugh was fought on 13th September 1645.



of Ardgour, under which the Macleans once more held Ardgour directly of the Crown.

## XXIV

**AGREEMENT** between SIR ALLAN M'LAINÉ of Dowart and JOHN M'LAINÉ of Ardgour and HEW M'LAINÉ, his eldest son, dated 8th March 1671.

(Gregory *Collections*, vi. p. 9.)

At Fiunarie, March 8, 1671, It is agreed and mutually concluded betwixt the ryt. hon<sup>ble</sup> S<sup>r</sup> Allan M'Laine of Dowart on the one pairt and Jhon M'Laine fiare of Ard-gore and Hew M'Laine his eldest lawful son on the other pairt in maner following. That is to say We the said Jhon and Hew M'Laines for the favour and deutfull respects we owe to and carie towards the said S<sup>r</sup> Allan our Cheiff and for certain good deeds done and to be done be him to us are most willing to adhere to and follow him and spend our lives and fortunes against all and sundrie the King's Majesty only excepted. Witt ye us therefore the said Jhon and Hew to be bound and oblist Likeas We be the tenor heirof binds and oblidges us conjunctly and severally our airs and successors to faithfully serve the said Sir Allan and his [*sic*] and follow him with all our men might and power against all his oppressors whatsomever bot particularlie against the Earl of Argyle and if need bees to spend our lives and fortunes in his and his successors service against all deadlie the King's Royal Majestie onlie excepted as said is. In recompence whereof I the said Sir Allan doth by thir presents bind and oblige me my heirs and successors to faithfully perform to the said John and Hew such articles as follows and in maner following agreed to by both parties. That is to say the said Sir Allan doth bind himself as said is to assist *shecur* [succour] and defend the said Jhon and Hew and their followers against all and sundrie and especially the Earl of Arygle and further if the said Jhon and Hew shall chance to loose their lands or heritage for the adhering



to my person or order against the said Earl then and in that caice I oblidge me and my foresaids to give them ane merk land for each merk land they shall loss therthrow if we have it of our proper heritage. Lykewayes it is agreed concerning ane band of 2000 merks granted be the said Jhon M'Laine fiare of Ardgore in help and gratuity to the said Sir Allan beiring annual rent from the date as the said band at mair lenth proports the said Sir Allan be thir presents discharges the annual rent thereof for all preceding and future terms in maner following if it please God Argyle and M'Laine settle and agree and that the said Sir Allan shall throw his moyan and settlement with the said Erle get the said Jhon and Hew free of anie mulct to be given to the said Erle of Argyle except feuduties then and in that caice the said Jhon and Hew are obliged to pay the said principal sum of 2000 merks to the said Sir Allan; but if need bees that the said Jhon and Hew must enter in composition with and are compelled to pay the said sum more or less to the said Erle throw the failing of the said Sir Allan his moyan therein Then and in that case the said Sir Allan is hereby bound to give and deliver the said band to them for their exoneration. Only it is hereby provided that when the said Sir Allan stands in need of it for payment of debts and the rest of kinsmen yrfor [*therefore* but this word doubtful] burdend that they shall advance as much helpe to him of their means as they shall be able, equivalent as other friends conforme to their power: As also it is conditioned on that immediately after the settling of differences betwixt Argyle and M'Laine and their performance punctually of the abovewritten obligation the said Sir Allan is hereby bound to give ane full and ample discharge to the said Jhon and his of all his intronmissions with my estate as Tutor<sup>1</sup> to me; but if it shall happen (as God forbid) that the said Sir Allan shall depart this mortal life ere the said Erle and he settle. Then in that case thir presents shall be ane full and sufficient dis-

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<sup>1</sup> *Vide ante*, p. 248.

charge to them of the foresaid intromission and oblige me and my foresaids thereunto dischargeing and exonerig them of all pursuits thereof for now and ever, providing always they inviolably keep the tenor of the premises : and for the better preservation heirof we are both content and consents ther presents be insert and registrat in the books of Councell or Session to that effect constituting  
our Prors In wittness whereof *written*  
day and place foresaid *be the said Sir Allan M'Laine* we have subscribed thir presents before thir witnesses Lachlan M'Laine of Brolos and Mr. Hector M'Laine Min<sup>r</sup> in Morven.

MACLAINE

J. M'LEANE feir of  
Ardgo<sup>r</sup>.

(*Sic subscribitur*) EWIN M'LEANE, Younger  
of Ardgour.

L. M'LANE of Brolos,  
Witness.

H. M'LAINE, Witness.

It might have been thought that the forfeiture of Argyll in 1681 would have resulted in the triumph of the Macleans. But its only effect was to transfer what Argyll had acquired to the Crown as part of his forfeited estates! And the Revolution of 1688, which resulted in the restoration of the House of Argyll and the flight of Sir John Maclean to France,<sup>1</sup> made an end of the matter.

Sir Allan Maclean made good his claim to the lands of Brolos, which were in a different position from the rest of the Duart estates, but otherwise the action failed.

It is, however, satisfactory to note that in 1912 his representative, Sir Fitzroy Donald Maclean, had the good fortune to become possessed of part of his ancestral estates, including the ancient Castle of Duart.

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<sup>1</sup> *Vide ante*, p. 249.



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*With regard to many of the personal names in the text, it is impossible to say whether they are proper surnames or merely patronymics. The index must not be taken as indicating any view on such questions as e.g. whether the person entered as MacNeil Donald Dow vic Dougal is a Macneil or a Macdougall, or perhaps a Maclean. Its object is merely to aid the reader in finding the persons, places, etc., mentioned in the preceding pages.*

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